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(*Pursuant to Sec. 4 of the Instructions to Vaccination Officers, issued by the Local Government Board.*)

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# THE LAW RELATING TO VACCINATION:

COMPRISING

The Vaccination Acts, and the Instructional Circulars, Orders, and Regulations issued by Authority:

WITH

*INTRODUCTION, NOTES & INDEX.*

BY DANBY P. FRY, ESQ.,

OF LINCOLN'S INN, BARRISTER-AT-LAW, AND INSPECTOR UNDER THE LOCAL GOVERNMENT BOARD.

FIFTH EDITION.

LONDON:

KNIGHT & CO., 90, FLEET STREET,

Publishers by authority to the Local Government Board.

1872.

(Brown)

| Cases of Small pox, classified according to Vaccination Marks. | Number of deaths per cent in each class |
|---|---|
| 1. Stated to have been Vaccinated, but having no cicatrix | 21 3/4 |
| 2. Having one Vaccine cicatrix + | 7 1/2 |
| 3. Having two Vaccine cicatrices ⁂ | 4 1/8 |
| 4. Having three Vaccine cicatrices. | 1 3/4 |
| 5. Having four or more Vaccine cicatrices | 3/4 |
| Unvaccinated | 35 1/2 |

+ Among Cases with one cicatrix well marked, death rate was 4 1/4 per cent. Among Cases with one cicatrix badly marked, death rate was 12 per cent

⁂ Among Cases with 2 cicatrices well marked, death rate was 2 3/4. Among cases with 2 badly marked, death rate was 7 1/2.

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# PREFACE.

The present volume, arising out of the Act of 1871, contains, it is believed, all the Instructions, Orders, and Regulations which have been issued up to this time by authority, with reference to Public Vaccination, as well as all the Statutes and Decisions of the Courts bearing directly on the subject.

Since the following sheets were printed off, a case has occurred in the Court of Queen's Bench, under sec. 31 of 30 & 31 Vict. c. 84, a report of which (taken from "Knight's Official Advertiser," of 4th May, 1872) is inserted below :—

*Court of Queen's Bench, April 25, 1872.*

"Mr. Baker moved to quash a conviction under the Vaccination "Acts, in a case in which a person who had an objection to vac- "cination was fined for his failure to comply with an order directing "him to have his child vaccinated, and subsequently, the child "continuing unvaccinated, was again summoned, convicted, and "fined. It was argued that the offence was one and the same, "and that the second conviction was therefore bad.

"The Lord Chief Justice said that the continued disobedience "to the order was the subject of fresh offences whilst it continued ; "and Mr. Justice Blackburn remarked that it might as well be con- "tended that because a man had been fined yesterday for beating "his wife, he could not be fined for beating her to-day.

"The application was accordingly refused."

*Whitehall, May, 1872.*

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# INTRODUCTION.

THE first Vaccination Act, passed in 1840 (3 and 4 Vict., c. 29), and amended in 1841 by 4 and 5 Vict., c. 32, while it provided the means of vaccination, at the public cost, for every person in England and Wales, left it entirely at the option of every person whether he would resort to the public vaccinator for this purpose or not; it being expressly provided, however, that, if he did so, he should not be thereby pauperized.

The arrangements made in pursuance of those Acts, by the Guardians and Overseers of the Poor throughout the country, under the supervision of the Poor Law Commissioners, and afterwards of the Poor Law Board, are believed to have been fully sufficient for the object which they had in view; but, although ample opportunity for gratuitous vaccination was thus afforded, and although the public availed themselves of it to a large extent, the Legislature nevertheless considered it desirable, in 1853, to make further provision on the subject.

The Vaccination Extension Act of that year (16 and 17 Vict., c. 100), founded on a Bill which was introduced by Lord Lyttelton into the House of Lords, adopted the new and important principle (new, at least, in this country) of rendering the practice of

vaccination compulsory. The Bill encountered some opposition out of doors with respect to its fundamental principle, as well as its details; but that principle ultimately received the concurrence and confirmation of the Legislature; and the details of the measure having been subjected to revision, the Act was passed, and received the Royal Assent on the 20th of August, 1853. It is not necessary here to discuss or explain the grounds on which it was deemed advisable that the vaccination of all infants within a few months of their birth should be prescribed by law and enforced by penalties; but those who wish for information on that subject may be referred to the Report of the Epidemiological Society, which was laid before the House of Commons, during the progress of the Bill. (House of Commons Sess. Papers, No. 434, 3 May, 1853.)

It may be observed that that Act did not repeal the Acts of 1840 and 1841 (3 and 4 Vict., c. 29, and 4 and 5 Vict., c. 32), by which a machinery was established for providing, at the cost of the poor rates, but not as parochial relief, the means of public vaccination for all those who might be disposed to avail themselves of it. On the contrary, it left that machinery in full force, and addressed itself mainly to such provisions as were necessary for ensuring, on the one hand, that the children should be brought to the medical practitioners to be vaccinated; and, on the other hand, that the medical practitioners should duly perform the operation. The first section enjoined the Guardians and Overseers of the poor forthwith to revise the existing arrangements,

if necessary, and from time to time to take the most effectual means for making their arrangements on this subject publicly known. The sixth section also contained a special provision with respect to the remuneration of the medical practitioners.

According to the scheme of the Act of 1853, the parent (or guardian) of every child born after the 1st August, 1853, was required, under a penalty not exceeding 20*s*., to take such child (unless otherwise vaccinated) within three (or four) months after birth, to the public vaccinator of the district, who was thereupon required to vaccinate such child, unless the child were unfit, and to give a certificate of such unfitness, or of the vaccination (whether successful or unsuccessful), as the case might be. For this latter purpose the child was to be taken to the vaccinator for inspection on the eighth day after vaccination: under a penalty of 20*s*. for neglect. The certificate of unfitness was to be renewed every two months, so long as the unfitness might last.

When the vaccination was successful, a duplicate certificate was to be sent by the vaccinator to the Registrar of Births and Deaths for the sub-district in which the operation was performed, who was to keep a register of all such certificates for future reference, receiving the fees specified in the Statute for every entry, search, or extract. The Registrar was also to give notice to the parent (or guardian) of every unvaccinated child, within seven days after the registration of the birth, as to the requirements of the Act.

It may be added that the Registrar-General was to furnish books, forms, and regulations, for carrying the Act into effect ( s. 11; see also 21 Vict., c. 25, s. 7).

In 1858 a further important step was taken by the Legislature in conferring on the Privy Council certain powers for promoting and superintending the execution of the Vaccination Acts. By 21 and 22 Vict., c. 97, passed on 2nd August, 1858, the powers of the General Board of Health, which expired in that year, were transferred to the Privy Council; and the Council were further empowered to issue regulations "for securing the due qualification of persons to be thereafter contracted with by Guardians and Overseers of unions and parishes in England for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid." Any money provided by Parliament for the expenses of the National Vaccine Establishment, or otherwise for the supply of vaccine lymph, was to be applied under the directions of the Privy Council; who might make inquiries from time to time as to matters concerning the public health, and as to the observance of their regulations and directions.

The Privy Council were also authorized to appoint a medical officer, at a salary not exceeding £1,500 a-year, who was to report to them from time to time on any special matters, and likewise to make an annual report of a general character, which was to be laid before Parliament.

This Act was passed for one year only; but in the following year it was made perpetual by the 22 and 23 Vict., c. 3, which was passed on 1st August, 1859.

The Act of 1858, however, contained a clause (sec. 8) with respect to the institution of legal proceedings under the Vaccination Acts, which was repealed, or rather was allowed to expire, when the rest of the Act was made perpetual by 22 and 23 Vict., c. 3. In consequence of the abrogation of that clause, no specific provision existed on this point for the next two years; but in 1861 an Act (24 and 25 Vict., c. 59) was passed "to facilitate proceedings before justices under the Acts relating to Vaccination," by which the Guardians (or Overseers) were empowered to appoint some person to conduct such proceedings, and were required to pay the costs out of the poor rates, on the certificate of the justices, or court, before whom the proceedings might be taken, whether such proceedings were instituted by the person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament.

Shortly after the passing of the first Act (3 and 4 Vict., c. 29), the Poor Law Commissioners issued a circular to the several Boards of Guardians, dated 20th August, 1840, calling the attention of the Guardians to the provisions of the Act, and the steps to be taken to carry them into execution. This circular was accompanied by a "Form of Notification in respect to the extension of Vaccination," and by a copy of a Minute of the Poor Law Commissioners "with respect

to the preparation of Contracts for the extension of Vaccination," in which a form of contract was suggested. These documents will be found in the Appendix to the Seventh Annual Report of the Poor Law Commissioners (1841), pp. 144—161; and in their Official Circular, issued 1st September, 1840, pp. 81—92. The form of contract above alluded to was superseded by the General Order issued by the Poor Law Board, on 30th November, 1853, in consequence of the passing of the Act 16 and 17 Vict., c. 100.

In the course of the same year (1840), the Poor Law Commissioners also issued several circulars and minutes on points arising out of the operation of the first Act (3 and 4 Vict., c. 29), which will likewise be found in the Appendix to the above-mentioned Report, pp. 161—169; (see also the Official Circular, issued 10th November, 1840, pp. 122—128). These related chiefly to the mode of paying and charging the expenses; the mode of dealing with the then existing medical contracts; the persons to be comprised in the respective districts; the question whether vaccination was to be considered as relief; the question whether the payments for vaccination were to be made out of the poor rates; and with reference to the contracts for vaccination, some further considerations as to the number of attendances, and as to the stations.

In the same Report (pp. 39—43), the Commissioners gave an account of the proceedings under the Act, up to the date of the Report, viz., 1st May, 1841; and observations on the same subject will be found in their

subsequent Reports, as well as in the Reports of the Poor Law Board. The last Annual Report of the Poor Law Commissioners was the fourteenth, dated December, 1847. The Poor Law Board made their first Report in December, 1848; and their last on 31st May, 1871. See also the Official Circular, 6th February, 1841, pp. 145—147, and June, 1848, pp. 254—256.

In 1853, after the passing of the Act 16 and 17 Vict., c. 100, which rendered vaccination compulsory, the Poor Law Board took certain steps, which are described in their Sixth Annual Report, pp. 10—12, in the following passage:—

"The other Act, namely the 16 and 17 Vict., c. 100, relating to vaccination, has also proved of much importance, and has required and received much of our attention during the latter part of the year.

In 1840, the Act 3 and 4 Vict., c. 29, was passed, which, with the view of extending the practice of vaccination, required Boards of Guardians in unions and parishes, and Overseers of parishes where there were no Guardians, to contract with their medical officers or with some medical practitioners for the performance of the operation of vaccination upon such poor persons as were brought to them for the purpose, and the regulations were placed under the control of the Poor Law Commissioners. This was the first legislative enactment upon the subject.

The earliest proceedings of the Commissioners to carry into effect this enactment, which was slightly amended by an Act in the subsequent year (4 and 5 Vict., c. 32), were detailed in their Seventh Annual Report, and the measures adopted by Boards of Guardians to give effect to the Act have been shown in each successive report of the Board.

The Legislature during the last session rendered the vaccination of infants compulsory upon their parents, and the

statute 16 and 17 Viet., c. 100, imposed penalties upon parents and others having the care, nurture, or custody of infants, who neglect to cause such infants to be vaccinated within a few months after their birth. It also imposes some further provisions and obligations upon Boards of Guardians to secure means whereby the poor may more readily obtain the performance of this operation.

The Act requires that certain amounts of remuneration shall be paid as minimum rates in the cases of all contracts entered into after its date. It is also rendered necessary that the fact of the successful vaccination of a child shall be registered under the Registration Acts. For such registration a fee is to be paid as the fee for registering the birth is paid, which it will be remembered is a charge upon the poor rate.

We issued a circular letter, dated the 6th of September last, to all Boards of Guardians, in which we brought under their notice those provisions of the statute which particularly related to them, and we have been engaged for several months in correspondence with the Guardians in reference to the alterations in the previous arrangements and contracts which the new Act has rendered necessary.

The Poor Law Commissioners, after the passing of the 3 and 4 Viet., c. 29, framed a form of contract for the use of such Boards of Guardians as deemed it right to provide contracts in writing with the medical officer or medical practitioner who engaged to vaccinate in their unions or parishes, and the Commissioners issued an order addressed to the several unions embodying the form of such contract.

It became apparent that new contracts to be entered into under the Act of last session would not be quite consistent with those which had been prescribed by the Poor Law Commissioners.

We therefore considered it advisable to frame a new form of contract to be adopted hereafter, and, having done so, issued a general order to all unions in which the former orders prescribing the forms of the contract were rescinded, and the new form of contract substituted, a power being

reserved for modifying the same in particular cases. This order is dated 30th November, 1853. We have in preparation a similar general order for parishes under Boards of Guardians.

It was apparently intended by the Legislature that the vaccination districts should correspond with the registration sub-districts; and the Registrar-General having called our attention to this point, we addressed a letter, dated October 29th, to the Boards of Guardians, in which we communicated his suggestions, and recommended the Guardians, as far as they could, to make their new arrangements for vaccination correspond with those previously established for registration. We regret to state that, although this result was obtained in some few instances, it has been found to be for the most part unattainable.

The information which has reached us from various quarters leads us to believe that a very great number of persons have been vaccinated during the latter half of the year."

In the year 1853, also, Instructional Circulars, dated 29th September and 4th October, were addressed by the Registrar-General to the Registrars of Births and Deaths, on the subject of the Act 16 and 17 Vict., c. 100.

In pursuance of the powers conferred on the Privy Council in relation to this matter, by the Acts of 1858 and 1859, the Council, on the 1st December, 1859, issued regulations relating to the qualification of contractors and their deputies, the performance and inspection of vaccination, and the registry of the cases; together with instructions to vaccinators.

Some of the provisions in the Act of 1840 (3 and 4 Vict., c. 29) referred to Ireland; but those provisions, so far as regards the vaccination contracts,

were virtually repealed in 1851 by the 14 and 15 Vict., c. 68, s. 13; and further provisions were subsequently made by the 21 and 22 Vict., c. 64, passed in 1858, and by 26 and 27 Vict., c. 52, passed in 1863. The last-named Act rendered vaccination compulsory in Ireland; and in the same session another Act was passed (26 and 27 Vict., c. 108), to render it compulsory in Scotland. The present volume, however, is not intended to deal with the subject in reference to those countries, but is confined to England and Wales.

The working of the Act of 1853 not being found to be entirely satisfactory, the attention of the Government was called to the subject by a memorial addressed to the General Board of Health by the Epidemiological Society in 1855 ("on a State Provision for the Prevention of Small-pox and extension of Vaccination: ordered by the House of Commons to be printed 1st March, 1855"); and, in 1856, an inquiry was instituted under the direction of the General Board of Health, the result of which was communicated to Parliament in 1857, accompanied by an introductory report by Mr. Simon, the medical officer of the Board, which has been justly described by Mr. Bruce (*post*, p. 14) as "the standard work on this subject."

Much valuable information as to the working of the law was also contained in the Annual Reports of the Medical Officer of the Privy Council; and eventually the subject was again brought under the attention of the Legislature.

On the 22nd February, 1866, Mr. Bruce, then Vice-

President of the Committee of the Privy Council on Education, and consequently authorized to act in relation to the public health (see 21 and 22 Vict., c. 97, s. 7), introduced into the House of Commons, on behalf of the Government, a Bill "to consolidate and amend the Statutes relating to Vaccination in England," which was read a second time, without debate, on the 8th of March, but was referred, on the 11th of April, after considerable discussion, to a Select Committee.—(See *Hansard*, 3rd series, vol. clxxxii., 1093—1113). The Select Committee reported on the 1st June; but on the 26th of June the Ministry resigned. Mr. Corry succeeded Mr. Bruce; and on the 23rd of July, he withdrew the Vaccination Bill, observing that he did so because "he had ascertained from hon. gentlemen on both sides of the House that the measure was likely to meet with great opposition, and it was therefore very doubtful whether it could be carried through Parliament at so late a period of the session. Moreover, in the opinion of his noble friend, the President of the Council, as well as of his right hon. friend, the Home Secretary, some of its provisions required further and careful consideration."—(*Hansard.*) On the next night in the House of Lords, the President of the Council (the Duke of Buckingham), in reply to a question from Lord Shaftesbury, stated that the Bill had been withdrawn, "because, from the numerous objections raised to it, there was no hope of passing it during the present session." He added that "it would, however, receive the attention of the Government during the re-

cess, and they hoped to be able next session to introduce a satisfactory measure."—(*Hansard.*)

Accordingly, in the following session, on 30th April, 1867, a Bill was introduced by Lord Robert Montagu, who was then the Vice-President of the Committee of Council on Education. Having passed through the House of Commons, after undergoing some alterations in committee, it was sent up to the House of Lords on the 28th of June, and there referred to a select committee. The amendments made by their lordships having been agreed to by the House of Commons, the Bill received the Royal Assent on 12th August, 1867.

On the introduction of the first Bill in 1866, Mr. Bruce, on going into Committee, 11th April, 1866 (see *Hansard*), gave the following sketch of the history of vaccination and the legislation respecting it:—

"The first attempt to deal with the enormous evils of small-pox was made by Lady Mary Wortley Montagu in 1718. Inoculation was first tried on seven condemned criminals; and the result being satisfactory, in 1722, two of the Royal Family were, by the order of King George I., inoculated. Its success being placed beyond all doubt, inoculation for some time became very popular; but it was discovered that every inoculated person while labouring under the disease was himself the centre of infection, and Sir Gilbert Blane calculated that the effect of inoculation had been to raise the per centage of deaths in small-pox from 74 to 92 per cent. per thousand of the total mortality. But at the close of last century, Dr. Jenner

made his immortal discovery, by which, perhaps, more misery had been prevented by the alleviation of pain and the preservation of life than by any other discovery that had ever been made. In 1802, a committee was moved for in that House to inquire into the value of Dr. Jenner's discovery. They made a report, in which they expressed a very strong opinion of its merits. In 1806, Lord Lansdowne, being then Chancellor of the Exchequer, moved an Address to his Majesty, praying that the College of Physicians might be requested to make further inquiries. They took twelve months to do so. They consulted all the chief medical bodies of Scotland, England, and Ireland, and presented a most able report, to the effect that the discovery was a most valuable one, that it might be safely applied, that its effects were wholely advantageous, and in no respect injurious. In 1808, the first action of Parliament was taken. The National Vaccine Establishment was founded, and the sum of £2,000 a-year had from that day to this been voted to it. Nothing further was done by Parliament, the matter being left to voluntary agency, till 1840, when the 3 and 4 Vict. was passed, which made vaccination optional, and authorized the payment of the public vaccinator by the board of guardians. That continued, with what effects he would proceed to describe, up to 1853, when the present legislation came in force. The compulsory Act of 1853 was introduced, not by Her Majesty's Government, but by Lord Lyttelton. It was carried through the House of Lords without a division; and

was introduced here by the right hon. baronet the member for Droitwich (Sir John Pakington). Again, it was carried without a division, and had been the law of the land ever since. From time to time, since the passing of the Act, there had been occasional protests against it, not proceeding from any public body, but from individuals who objected on principle to vaccination. Then came the inquiries which were instituted by Sir Benjamin Hall. He directed a report to be prepared by Mr. Simon, whose work was the standard work on this subject—a work conveying the fullest instruction in a most interesting form. Mr. Simon had in 1856 referred four questions to all the medical societies in Europe, to all the principal foreign Governments, and to 542 physicians of different countries, selected on account of their known eminence and experience. With the permission of the House, he would read these questions and answers. The first question was this—

'Have you any doubt that successful vaccination confers on persons subject to its influence a very large exemption from attacks of small-pox, and almost absolute security against death by that disease?'

Their answers to that question 540 were distinct in having no doubt. One distrusted vaccination, but would gladly inoculate his own children with small-pox. The other (Dr. Hamernik, of Prague), regarded both inoculation and vaccination as at best but harmless trifling. The second question was—

'Have you any reason to believe or suspect that vaccinated persons, in being rendered less susceptible of small-pox, be-

come more susceptible of any other infective disease or of phthisis, or that their health is in any other way disadvantageously affected?'

In reply to this, not one maintained that any injury arose from vaccination properly administered. Mr. Stone gave the following statistics of Christ's Hospital for more than a hundred years:—Average of boys during first fifty years, 550; during last fifty years, 800. In the first period, during which none were vaccinated, there were thirty-one deaths from small-pox. In the last period, from 1801 to 1850, in which all were vaccinated, only one had died of small-pox. The annual death rate from other diseases in hospital had greatly diminished. The third question was—

'Have you any reason to believe or suspect that lymph from a true Jennerian vesicle has ever been a vehicle of syphilitic, scrofulous, or other constitutional infection to the vaccinated person, or that unintentional inoculation with some other disease, instead of the proposed vaccination, has occurred in the hands of a duly educated medical practitioner?'

To this all but a very few answered in the negative. The fourth question was—

'Do you (assuming due provisions to exist for a skilful performance of the operation) recommend that, except for special reasons in individual cases, vaccination should be universally performed at early periods of life?'

All but two were favourable. He thought the House would see this inquiry was as exhaustive and complete as ingenuity could devise. But what had been the effect on the public health? Sir Gilbert Blane had stated that, so far as could be ascertained, the average

annual death rate in small-pox in England and Wales during thirty years previous to the introduction of vaccination was 3,000 per million of the population. The average of three years (1838 to 1840), when vaccination had become to a great extent diffused, but before any public provision was made for its gratùitous performance, was 770. The average of nine of the years (1841 to 1853) when public vaccination was gratuitously provided, but vaccination was not obligatory, was 304 per million. The average of the ten years (1854 to 1863) during which vaccination had been to a certain extent obligatory, was 171; and if the last year for which returns had been made were included, the rate, instead of 171, would be 190 per million. One reason for these inquiries was the alarming increase which had taken place during the last few years in the deaths by small-pox in England and Wales. In 1861 the number of deaths had fallen to 1,320, but rose in 1863 to 5,964, and in 1864 to 7,684. The House must recollect that these deaths by no means represented the evils inflicted on society by this dreadful scourge. A distinguished French physician, M. de la Condamine, in 1756, calculated that about one-fourth of the human race were suffering more or less from the effects of small-pox, which showed themselves in blindness and deafness, entire or partial, scrofula, and other terrible forms of disease. With respect to the mortality among the vaccinated and unvaccinated, the evidence was very complete. Perhaps the most capable witness on this point was Mr. Marson, for

very many years in charge of the Small-pox Hospital. Mr. Marson stated his conclusion, the result of 15,000 cases, in these words:—

'That the fatality of small-pox, when it attacks the unvaccinated, is 350 per 1,000; that its fatality to such vaccinated persons as it infects is, taking them indiscriminately, 70 per 1,000; but, distinguishing vaccinated persons into two classes, those (1) who have been vaccinated in the best known manner, and those (2) who have been badly vaccinated, the fatality of small-pox, if it infects the former, will be 5 per 1,000; if it infects the latter, 150 per 1,000; that the risk of the one will be thirty times the risk of the other.'

Or, to state it differently, if attacked by small-pox, one in three unvaccinated would die; one in seven imperfectly vaccinated; while only one in 200 would die if well vaccinated. But Mr. Marson's observations do far more than establish in a general way, in concurrence with others, the modifying power of vaccination. They have a merit peculiarly their own. They show conclusively that the degree of modifying power is in the exact ratio of the excellence and completeness of the vaccination as shown by the cicatrices; in other words, that it was directly as the amount of vaccine-marking and as the character of the marks. The following would show this at a glance better than any detailed statement:—

'Number of deaths per cent. in each class respectively—1. Unvaccinated, 37. 2. Stated to have been vaccinated, but having no cicatrix, 23·57. 3. Vaccinated—having one vaccine cicatrix, 7·73; having two vaccine cicatrices, 4·70; having three vaccine cicatrices, 1·95; having four or more

vaccine cicatrices, 0·55; having well-marked cicatrices, 2·52; having badly marked cicatrices, 8·82. 4. Having previously had small-pox, 19.'

He thought those facts—and the examinations throughout Europe, very carefully conducted, had been attended by similar results—would establish, not only the immense security which vaccination afforded against small-pox, but that, if rendered complete. the security would be still greater; and, therefore, it was the duty of the House to provide for the full advantages of a thoroughly effective system of vaccination."

After explaining in detail the objects and provisions of the Bill, Mr. Bruce added:—

"The proposed amendments of the law would, he believed, conduce to greater efficiency in vaccination, both as to quantity and quality, without unnecessary interference or undue pressure upon the rates. A number of petitions which had been presented did not go so much against the Bill as against the principle of vaccination. One objection was, that it had been made the means of introducing into the system other diseases than small-pox. On this point Dr. Seaton said:—

'Those who have had most to do with the performance of vaccination, on the one hand, and those who have been most concerned in the treatment of infantile disease, on the other, concur in the belief of the non-communicability of disease by vaccination. Mr. Marson, in the performance of 50,000 vaccinations and more, "has never seen other diseases communicated with the vaccine disease, nor does he believe in the popular reports that they are so communicated." Such also was the experience of the late Mr. Leese, whose oppor-

tunities of observation were scarcely, if any, less. Dr. W. Jenner stated, some years ago, that at University College Hospital and at the Hospital for Sick Children, he had had, in six years, more than 13,000 sick adults and children under observation, and that in no case had he reason to believe, or even to suspect, that any constitutional taint had been conveyed from one person to another by vaccination. Dr. West's experience of 26,000 infants and children under his care in seventeen years is to the like effect. In stating that he has seen nothing in that time to make him believe that vaccination excites cutaneous eruptions in any but very exceptional cases, he refers such exceptional cases to a disposition in the children themselves, brought out by the vaccination as it might have been by teething. And Professor Paget, speaking from his large experience among children in the out-patients' room at St. Bartholomew's, and enumerating some of the causes which develop cutaneous diseases in young children, says—"Now, vaccination may do, though I believe it very rarely does, what these several accidents may do—namely, by disturbing for a time the general health, it may give opportunity for the external manifestation and complete evolution of some constitutional affection, which, but for it, might have remained rather longer latent. This is," he adds, "the worst thing that can with any show of reason be charged against vaccination; even this can very seldom be charged with truth."'

A statement had been widely circulated that syphilis had been introduced into the system by vaccination. Millions of children had been vaccinated in the last sixty years; but not a single case had occurred in which it had been proved that syphilis had been communicated.(*a*) A case was alleged to have occurred

(*a*) With regard to a case which occurred in 1871, in which it was supposed that syphilis had resulted from vaccination, see the evidence of Mr. J. Hutchinson before the Select Committee of the House of Commons in that year. Sess. Pap., No. 246, page 283.

in France in which a child had been vaccinated from another which inherited syphilis; but the surgeon in that case, in taking lymph from a child covered with syphilitic blotches, acted in monstrous disregard of common prudence and medical knowledge. No such case, so far as the most careful medical research could discover, had happened in this country. He did not think it necessary to argue the general question of vaccination. He had read many letters objecting to the compulsory system, but the House and the country were in favour of compulsory vaccination, and the only question was as to the best machinery for enforcing the law."

"The Vaccination Act of 1867" came into operation on the 1st of January, 1868.

Its object, as described in its preamble, was "to consolidate and amend the Statutes relating to vaccination in England" (including Wales); and in furtherance of that object, it repealed, from and after the 1st January, 1868, the then existing Statutes which related generally to the subject of Vaccination—namely, 3 and 4 Vict., c. 29; 4 and 5 Vict., c. 32; 16 and 17 Vict., c. 100; and 24 and 25 Vict., c. 59; together with the 7th sec. of the 21 and 22 Vict., c. 25, and the 2nd sec. of the 21 and 22 Vict., c. 97; the first relating to the duties of the Registrar-General, and the last to the powers of the Privy Council, with respect to vaccination.

This repeal, however, even when it took effect, was

not absolute and complete, inasmuch as it was qualified by the following exceptions:—

"Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said Statutes then in force, and to all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, all which shall remain in full force as if the same Statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained."

The repeal, therefore, had not the effect of sweeping these enactments altogether out of the Statute Book, and beginning, as it were *de novo*, with an entirely new law; on the contrary, the enactments remained in force with respect to the districts formed, the contracts entered into, the proceedings commenced, and the liabilities incurred, which continued in operation under those enactments until fulfilled or concluded, or subsequently modified, unless and in so far as they might be inconsistent with the provisions of the new Act.

After that Act had been for three years in operation, it was found that considerable opposition to its compulsory provisions existed in some quarters; and for this and other reasons, the Government, at the beginning of the session of 1871, proposed to the House of Commons to appoint a Select Committee "to inquire into the operation of the Vaccination Act (1867) and to report whether such Act should be amended."

This proposal, on the motion of Mr. Forster, Vice-President of the Committee of Council on Education, was agreed to by the House on 13th Feb., 1871, and on the 16th the Committee was appointed, consisting of the following members:—

Mr. William Edward Forster, Mr. Stephen Cave, Mr. Candlish, Mr. William Henry Smith, Mr. Muntz, Lord Robert Montagu, Mr. Jacob Bright, Sir Smith Child, Dr. Lyon Playfair, Mr. Holt, Mr. Taylor, Sir Dominic Corrigan, Dr. Brewer, Mr. Alderman Carter, and Mr. Hibbert (the Parliamentary Secretary of the Poor Law Board).

The Committee examined a considerable number of witnesses, of whom the following is a list:—

Mr. John Candlish, M.P., Mr. W. J. Collins, M.D., Mr. C. T. Pearce, M.D., Sir J. C. Jervoise, Bart., Mr. J. J. G. Wilkinson, M.D., Mr. G. S. Gibbs, Mr. Aaron Emery, Mr. F. Covington, Mrs. Elizabeth Kemp, Mr. Thomas Baker, Mr. W. J. Addison, Rev. W. Hume-Rothery, Mr. John Simon, F.R.S., Mr. R. B. Gibbs, Mr. R. H. Bakewell, M.D., Mr. Danby P. Fry, Sir Dominic J. Corrigan, Bart., M.D., M.P., Mr. J. F. Marson, F.R.C.S., Mr. Alexander Wood, M.D., Sir William Jenner, Bart., M.D., D.C.L., F.R.S., Mr. (now Sir) William Gull, (Bart.), M.D., F.R.S., Mr. Charles West, M.D., Mr. J. Hutchinson, Mr. J. Neighbour, Mr. E. C. Seaton, M.D., Mr. William Brewer, M.D., M.P.

On the 23rd May, 1871, the Committee made the following Report (Sess. Pap., No. 246) to the House:—

"Eight sittings of your Committee have been occupied in

hearing the evidence of persons who assert that vaccination is useless and injurious, and who therefore object to its enforcement and encouragement by the law.

"After careful consideration of this evidence, and of medical and other evidence given in reply, your Committee agree with the general opinion:—

"That the cow-pox affords, if not an absolute, yet a very great protection against an attack of small-pox; and an almost absolute protection against death from that disease.

"That if the operation be performed with due regard to the health of the person vaccinated, and with proper precautions in obtaining and using the vaccine lymph, there need be no apprehension that vaccination will injure health or communicate any disease.

"That small-pox unchecked by vaccination is one of the most terrible and destructive of diseases, as regards the danger of infection, the proportion of deaths among those attacked, and the permanent injury to the survivors; and therefore

"That it is the duty of the State to endeavour to secure the careful vaccination of the whole population.

"Your Committee have no doubt that the almost universal opinion of medical science and authority is in accordance with Dr. Gull when he states, that 'vaccination is as protective against small-pox as small-pox itself;' with Dr. West, when he gives as the result of his experience, as physician to the Children's Hospital in Great Ormond-street, and as having had charge of between 50,000 and 60,000 children since 1835, that 'he does not think that vaccination does produce disease;' and with Sir William Jenner, when he says, 'I should think myself wicked, and really guilty of a crime, if I did not recommend every parent to have his child vaccinated early in life.'

"Against this evidence in favour of vaccination, the prevalence of the present small-pox epidemic, especially in the metropolis, has been alleged.

"Your Committee, however, believe that, on the other hand, if vaccination had not been general, this epidemic

might have become a pestilence as destructive as small-pox has often been, where the population has been unprotected; and that, on the other hand, if this preventive had been universal the epidemic could not have approached its present extent.

"Vaccination is generally believed to require repetition about the age of puberty; but as it is almost impossible to enforce revaccination, it is most important that all children should be vaccinated, both for their own sakes and that of the community, to prevent their catching and spreading disease.

"There are three classes of children who being, by the conduct of their parents, left unvaccinated, are themselves in great danger, and may become centres of infection to others.

"(1.) There are the children who are utterly neglected by their parents.

"(2.) There is the much larger number of children of parents who, while not denying their duty or desiring to disregard it, postpone its fulfilment, and who from carelessness or forgetfulness delay to protect their children until driven to the vaccine station by the panic fear of an epidemic.

"(3.) There are the children of those parents, very few in proportion to the whole population, who assert that vaccination will do harm.

"With regard to the first and second of these classes, there can hardly be any objection to the principle of a compulsory law, though there may be practical difficulties in its application; but, in dealing with the third class, it becomes necessary to weigh the claims of the parent to control, as he thinks fit, the medical treatment of an infant child, as against the duty of the State to protect the health of the community, and to save the child itself from a dreadful disease.

"While weighing these conflicting claims, your Committee have had to consider the effect of the change in the law introduced by the Act of 1867, which, contrary to the provisions of the previous English or present Irish Acts,

makes the parent liable to repeated convictions and penalties for not allowing his child to be vaccinated.

"There appear to have been several cases of infliction of more than one fine or imprisonment in regard to the same child; and your Committee, though by no means admitting the right of the parent to expose his child or his neighbours to the risk of small-pox, must express great doubt whether the object of the law is gained by thus continuing a long contest with the convictions of the parent.

"The public opinion of the neighbourhood may sympathize with a person thus prosecuted, and may in consequence be excited against the law; and after all, though the parent be fined or imprisoned, the child may remain unvaccinated. In such a case, the law can only triumph by the forcible vaccination of the child.

"In enactments of this nature, when the State, in attempting to fulfil the duty, finds it necessary to disregard the wish of the parent, it is most important to secure the support of public opinion; and, as your Committee cannot recommend that a policeman should be empowered to take a baby from its mother to the vaccine station, a measure which could only be justified by an extreme necessity, they would recommend that whenever in any case two penalties, or one full penalty, have been imposed upon a parent, the magistrate should not impose any further penalty in respect of the same child.

"It has been suggested that the parent's declaration of belief that vaccination is injurious might be pleaded against any penalty; but your Committee believe that if the law were thus changed it would become a dead letter. Prosecutions would soon cease, and the children of the many apathetic and neglectful parents would be left unvaccinated, as well as the children of the few opponents of vaccination.

"Your Committee are glad to find that wherever the Guardians endeavour to carry out the law, it is very generally and indeed almost universally enforced; but there are some amendments by which they think the Act referred to them might be made more efficient.

"By sec. 28, the Guardians of any parish may appoint an officer to promote vaccination, and to prosecute persons offending against the Act; and it appears that in the majority of the Unions such officers have been appointed, and that the law in consequence is more efficiently administered. Your Committee recommend that this appointment be made obligatory on the Guardians.

"They are also strongly of opinion that the registration of vaccination should be simplified; that the vaccination officer should keep the vaccination register, and therefore that the certificates under the Act should be sent to him; and also that the registrar of the district should forward to him a monthly return of births and of the infants that have died.

"The suggestion has been made that a considerable proportion of the expenses of working the Act should be contributed from moneys to be voted by Parliament. Your Committee believe that efficient working would be promoted by such contribution. Without doubt local agency must be relied on for administration; but central inspection and control are also needed, and would be much more powerful if a payment towards the expenses could be withdrawn in cases of maladministration.

"Your Committee cannot conclude without expressing their opinion on two questions beyond the scope of the Act referred to them, though not of the subject of their inquiry.

"A compulsory registration of births such as exists in Scotland and Ireland is needed, as the non-registered children are those most likely to escape the notice of the vaccinators.

"There also appear to be disadvantages in the present division of sanitary responsibility between the departments of the Government. The Medical Department of the Privy Council inspects the vaccination of every Union, and advises the Poor Law Board in regard to the arrangements proposed by Guardians, which arrangements are then approved or disapproved by the Poor Law Board.

"This division of duties cannot but tend to delay and to

non-efficiency; and though your Committee do not pretend to decide to which of these departments the duty of administering the law should be entrusted, they do not think such duty should be shared between two offices, and they believe that one and the same department should advise, inspect, approve, and control.

"23*rd May*, 1871."

On the 12th June, 1871, Mr. Forster, on behalf of the Government, brought in a Bill "to amend the Vaccination Act of 1867," in which the recommendations of the Committee were embodied; and on the 21st August, 1871, the Act 34 and 35 Vict., c. 98, received the royal assent.

Meanwhile an important change had taken place in the constitution of the central authorities in which the controul of the vaccination arrangements was vested. In their report of 23rd May, the Committee adverted to the "disadvantages in the present division of sanitary responsibility between the departments of the Government." On the 14th August, 1871, an Act (34 and 35 Vict., c. 70) was passed, "for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the public health and local government, together with the powers and duties of the Poor Law Board." Among the subjects thus entrusted to the supervision of the Local Government Board is vaccination; and under the Vaccination Amendment Act, c. 98, that Board are empowered to make rules, orders and regulations, and to frame, provide, and distribute

appropriate books and forms, and if they think fit, "to repeal, alter, and add to the forms contained in the Schedule" to the Act of 1867. The circulars, instructions, and orders which have been issued under these Acts by the Local Government Board, as well as by the Registrar-General, are included in the present volume.

D. P. F.

*February*, 1872.

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# VACCINATION ACT, 1867.

## 30 AND 31 VICT., C. 84.

An Act to consolidate and amend the Laws relating to Vaccination. (*a*)

*12th August*, 1867.

WHEREAS it is expedient to consolidate and amend the statutes relating to Vaccination in England: (*b*) Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: (*c*)

I. From and after the day when this Act shall come into operation as hereinafter provided, (*d*) the statute of the third and fourth years of the reign of Her Majesty, chapter twenty-nine, that of the fourth and fifth years of the same reign, chapter thirty-two, that of the sixteenth and seventeenth years of the same reign, chapter one hundred, the seventh section of the statute of the twenty-first and twenty-second years of the same reign, chapter twenty-five, the second section of the statute of the twenty-first and twenty-second years of the same reign, chapter ninety-seven, and the statute of the twenty-

Acts and parts of Acts herein named repealed on and after January 1, 1868.

(*a*) This title is too extensive, as the Act is confined in its operation to England and Wales, and does not include Scotland or Ireland. The title of Mr. Bruce's Bill of 1866 referred to "Vaccination in England."

(*b*) This includes Wales. See 20 Geo. 2, c. 42, s. 3, which is not repealed by 43 Geo. 3, c. 161, s. 84, and enacts that whenever England is mentioned in any Act of Parliament it shall include Wales and Berwick-upon-Tweed.

(*c*) This Act, however, is now amended by the Act of 1871, 34 and 35 Vict., c. 98, with which it is to be construed as one Act. See *post*, p. 63.

(*d*) *i.e.*, the 1st January, 1868. See s. 37, *post*.

fourth and twenty-fifth years of the same reign, chapter fifty-nine, shall be repealed,—

Exceptions.

Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said statutes then in force, and to all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, all which shall remain in as full force as if the same statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained. (*e*)

Guardians to divide unions and parishes into vaccination districts, or to consolidate or alter them, subject to approval of the Poor Law Board.

II. The guardians of every union or parish where the same shall not have been divided into districts for the purpose of Vaccination (*f*) shall, unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a Vaccination district within the meaning hereof, forthwith divide the union or parish for which they act into districts for the performance of Vaccination; and when the Poor Law Board (*g*) shall by their order require any (*e*) districts

(*e*) The existing districts and contracts will continue in force, and will be governed by the statutes under which they were made, taken in connection with the present Act; but the districts may be altered or modified under the provisions of ss. 2 and 3, *post*, and the contracts may be put an end to in any case, either by the guardians or by the vaccinator himself, under the last clause of the agreement.

(*f*) In his "Handbook of Vaccination, 1868," Dr. Seaton observes (p. 99):—"The terms 'vaccination' and 'to vaccinate,' to signify the inoculation of the cow-pox, were first introduced by Dunning—[Baron's 'Life of Jenner,' vol. ii., p. 336]; and their convenience was at once recognized. They are the terms now exclusively employed for the purpose in medical writings, in the conversation of the educated, and among the common people also in the greater part of England; but there are still parts of the kingdom in which the lower orders seem never to have heard of vaccination, though they are quite familiar with the process of being 'cut' for the cow-pock.'"

(*g*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same, and they shall in every such case of division, consolidation, or alteration, report their proposal to the Poor Law Board (*g*) for their approval, which Board shall approve or disapprove of the same as they see fit; and the guardians of every (*h*) union or parish may, with like approval, from time to time as they shall find it requisite, alter the districts heretofore (*h*) formed or hereafter to be formed for the purpose of Vaccination.

If the Board do not approve, another scheme to be prepared; when approved, guardians to contract for performance of vaccination.

III. If the said Board (*g*) disapprove of the proposal the guardians shall forthwith proceed to prepare another, and submit the same to the said Board for approval, and so on from time to time as shall be requisite until their proposal shall be approved, and when the said Board shall have approved of the same the guardians shall enter into a contract (*i*) with some duly registered medical practitioner for the performance of Vaccination of all persons resident within each district; and every such medical practitioner shall be termed the public vaccinator of the district; and as and when the contracts now existing (*j*) shall determine the guardians shall enter into others, with such modifications as the circumstances shall render necessary, subject to the like approval of the Poor Law Board (*g*) as aforesaid. (*j*)

Qualification of vaccinator to be prescribed by Lords of the

IV. No person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore (*k*) pre-

(*g*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

(*h*) The second clause of s. 2 is general, and is not confined to the districts to be formed under the first clause. As to notice of alterations, see s. 13, *post*.

(*i*) This contract, if entered into in accordance with any order on the subject issued by the Poor Law Board or the Local Government Board, will be exempted from stamp duty by 4 and 5 Wm. 4, c. 76, s. 84.

(*j*) See ss. 1 and 2, and the notes thereon, *ante*.

(*k*) See Appendix B, *post*.

Privy Council, and other regulations to be prescribed by them.

scribed by the Lords of Her Majesty's Council, or such as shall be from time to time hereafter prescribed by them, (*l*) except when such Lords shall upon sufficient cause sanction any departure from their directions; and all such regulations as the said Lords have heretofore (*m*) made or shall hereafter make, (*l*) which they are hereby authorized to make, to secure the efficient performance of Vaccination or the provision and supply of vaccine lymph (*n*) by the public vaccinator, and all such directions or regulations as the said Lords (*l*) acting under any Act for the prevention of diseases may issue in relation to small-pox, shall be duly observed by the several persons to whom they apply; and the said Lords (*l*) may from time to time cause such inquiries to be made relating to the observance of such regulations and to the execution of this Act as to them shall seem fit, and shall direct how any money hereafter to be provided by Parliament for or towards defraying the expenses of the National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph, (*n*) shall be applied. (*o*)

As to allowances to public vaccinators.

V. On reports made to the Lords of Her Majesty's Council(*p*) with regard to the number and quality of the vaccinations performed in the several vaccination districts of England, (*q*) or any of them, the said Lords (*p*) may from time to time, out of monies provided by Parliament, and under regulations to be approved by the Lords Commissioners of Her Majesty's Treasury, authorize to be paid to any public

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(*l*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

(*m*) See Appendix B, *post*.

(*n*) See s. 17, *post*.

(*o*) This clause was substituted for s. 2 of 21 and 22 Vict., c. 27, which was repealed by s. 1 of the present Act, *ante*, p. 31.

(*p*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

(*q*) Including Wales. See note (*b*), *ante*, p. 31.

vaccinators, in addition to the payments received by them from guardians or overseers, (*r*) further payments not exceeding in any case the rate of one shilling for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said Lords of the Council relates.

As to fees payable for vaccination.

VI. Every such contract for Vaccination shall (*s*) provide for payment in respect only of the successful vaccination of persons, and so that the rate of payment for primary (*t*) vaccination shall be not less than the following; that is to say, for every such vaccination done at an appointed station situated at or within one mile from the residence (*u*) of the vaccinator, or in the workhouse (*v*) of the union or

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(*r*) In some places contracts might be entered into by overseers before 1st January, 1868, and these may continue in force (see s. 1, *ante*); but overseers will not be empowered to enter into any further contracts.

(*s*) The scale of remuneration here prescribed is much more favorable to the vaccinator than the one laid down in the former Act, 16 and 17 Vict., c. 100, s. 6. See Appendix A, *post*. The new scale will only apply to contracts which may be entered into after the 1st of January, 1868, although the provisions of s. 8, *post*, with regard to the payment for re-vaccinations, will take effect upon contracts entered into before that date. The vaccinator, therefore, cannot be paid under the new scale so long as the old contract remains in force; but that contract may be put an end to at any time by either party (see note to s. 1, *ante*, p. 32), and a new contract entered into under the present Act.

(*t*) As to re-vaccinations, see s. 8, *post*.

(*u*) The word "residence" must no doubt be understood here in its ordinary sense, as referring to the usual home, abode, or dwelling of the vaccinator; and consequently will not include a surgery or other place, at which he merely attends, daily or otherwise, for the sole purpose of exercising his profession.

(*v*) With respect to the vaccination of paupers who are inmates of a workhouse, it is provided by the General Consolidated Order of the Poor Law Commissioners, Art. 207, No. 5, that it shall be the duty of the medical officer for the workhouse to vaccinate such of the children therein as may require vaccination (*see* Glen's Poor Law Board Orders, seventh edition, 1871). It was formerly considered that such vacci-

parish, not less than one shilling and sixpence; and for every such vaccination done at any station over one mile and under two miles distant from his residence, not less than two shillings; and for every such vaccination done at any station over two miles distant from his residence, not less than three shillings; such distance being measured according to the nearest public carriage road; but in respect

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nation ought not to be included in the contracts with the public vaccinators, as it formed part of the duty of the workhouse medical officer, to be remunerated by his salary or otherwise ("Official Circular," March, 1848, vol. 7, p. 203); but it is now provided, by s. 6 of the present Act, that a specific fee of not less than eighteenpence shall hereafter be paid under contract for every case of primary vaccination in a workhouse. The section directs that this payment shall be provided for "in *every such* contract for vaccination," *i.e.*, the contract with each public vaccinator; but it is manifest that this direction cannot be taken literally, as it would give all the public vaccinators in a union the right or duty of vaccinating the inmates of the workhouse. The Local Government Board, following the course taken by the Poor Law Board, have construed the enactment, according to its apparent intention, as applying to the medical officer of the workhouse, and have recommended that the payment of the fee referred to should be provided for in the contract which he enters into with the guardians as their medical officer, and not in a separate contract for vaccination. This is not, perhaps, a strict compliance with the letter of the clause, but it is in conformity with its spirit, and sufficiently accomplishes its object. No such fee, however, will be legally payable except under a contract.

The Poor Law Commissioners expressed the opinion that the guardians have the right, without the permission of the parents, to vaccinate any child in their custody, during any danger of contagion from the small-pox. For this opinion, and the considerations on which it is founded, see their "Official Circular," July 2, 1840, vol. 1, p. 72. The Poor Law Board have expressed the further opinion that, if the guardians and the workhouse medical officer think that any child in the workhouse requires vaccination, the medical officer should vaccinate such child, in accordance with the article above adverted to (Art. 207, No. 5), notwithstanding any objection on the part of the parents ("Official Circular," March, 1848, vol. 7, p. 204). The article referred to is confined to

of successful vaccinations performed elsewhere than at a station or in the workhouse, (*w*) as aforesaid, the payment shall be according to the terms specified in the contract as approved of by the Poor Law Board. (*x*)

Conditions may be imposed in the contracts to secure due vaccination of persons.

VII. The guardians shall, with the consent of the Poor Law Board, make stipulations and conditions in their contracts (*y*) to secure the due vaccination of persons, the observance of the provisions of this Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of this Act on the part of the public vaccinator, and shall provide all stations (*z*) at which the vaccination shall be ap-

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children, and does not extend to the adult inmates of the workhouse; but such inmates, though they cannot be compelled to undergo the operation, may desire it to be performed.

It is not the duty of the medical officer of the workhouse, as such, to vaccinate the officers and servants of the establishment.

As to the admission into the workhouse of paupers suffering from small-pox, and the importance of providing separate infectious wards for the reception of such cases, see "Official Circular," January 1, 1846, vol. 6, p. 15.

(*w*) See note (*v*), s. 6, p. 35.

(*x*) See note (*s*), s. 6, p. 35; and as to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73. The Act imposes no restriction as to the fee for vaccination elsewhere than at a station, except by making it subject to the approval of the Local Government Board. It need not necessarily be of the same amount for all cases, but may vary according to distance if that Board approve. With regard, however, to the practice of vaccinating elsewhere than at a station, see the Regulations of the Privy Council, Appendix B, *post*.

(*y*) See the Form of Contract prescribed by the order of the Local Government Board, Appendix B, *post*.

(*z*) The expense of providing stations in unions is chargeable to the common fund, under the provisions of the Union Chargeability Act, 28 and 29 Vict., c. 79, s. 1, which is as follows:—

"I. From and after the twenty-fifth day of *March*, one thousand eight hundred and sixty-six, so much of the twenty-sixth section of the fourth and fifth William the Fourth,

pointed to be performed other than the surgery or residence (*a*) of the public vaccinator.

Provision for re-vaccination.

VIII. The provisions of the contracts entered into before this Act comes into operation (*b*) shall not after the thirty-first day of December next apply to the cases of persons who having been previously successfully vaccinated shall be re-vaccinated, but if the Lords of Her Majesty's Council shall have issued (*c*) or shall hereafter (*d*) issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such Lords (*d*) are hereby authorized to do, the guardians shall pay in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new con-

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chapter seventy-six, as requires that each of the parishes in a union formed under the authority of that Act shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of the workhouse of such union, shall be repealed; and all the cost of the relief of the poor, and the expenses of the burial of the dead body of any poor person under the direction of the guardians, or any of their officers duly authorized, in such union thenceforth incurred, and all charges thenceforth incurred by the guardians of such union in respect of vaccination and registration fees and expenses, shall be charged upon the common fund thereof."

As to repayment, in the metropolis, from the common poor fund, see the following enactments, viz:—

30 Vict., c. 6, s. 69:—"Expenses incurred for the following purposes, after the 29th day of September, 1867, shall be repaid out of the common poor fund, that is to say—

(7) For fees and other expenses of vaccination."

32 and 33 Vict., c. 63, s. 15:—"No expenses of vaccination shall be repaid out of the said fund which shall have been incurred without the authority or without the approval of the Poor Law Board" (but as to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

(*a*) See note (*u*) to s. 6, *ante*, p. 35.

(*b*) See s. 37, *post*.

(*c*) See Appendix B, *post*.

(*d*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

tracts entered into after the date hereof a sum amounting to two-thirds of the fee payable upon each case of successful primary vaccination. (*e*)

Contract not valid unless approved of by the Poor Law Board, who may determine the same at any time.

IX. No contract for vaccination entered into under the provisions of this Act shall be valid until the same shall have been approved of by the Poor Law Board, (*f*) and such Board may, at their discretion, upon the application of the Lords of Her Majesty's Council or otherwise, at any time after the same shall have been approved of by them, determine it either forthwith or at a future day. (*g*)

No payment to be made out of the poor rate or any other public fund unless the Poor Law Board have approved of the contract,

X. No payment in respect of vaccination shall be made out of the common fund of any union, or out of the poor rate of any parish, or out of any other public or parochial fund, where the Poor Law Board (*h*) shall not have approved of a contract for the performance thereof, (*i*) or after they shall

(*e*) As to existing contracts, see s. 1, *ante;* and as to new contracts, see s. 6, *ante*, and the notes thereon. It seems that the vaccinator under a contract entered into before the passing of this Act will be entitled to claim this reduced fee in any case of re-vaccination in which he may duly comply with the regulations issued by the Privy Council. As to the inspection of the re-vaccinated person, and the fine of half-a-crown in certain cases, see 34 and 35 Vict., c. 98, s. 9, *post*.

(*f*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73. This provision implies, though it does not in terms require, that the contract should be forwarded by the guardians to the Local Government Board for their approval. As to the former state of the law upon this point, see 3 and 4 Vict., c. 29, ss. 4 and 5, Appendix A, *post*. See also the amending Act of 1871, 34 and 35 Vict., c. 98, s. 14, *post*.

(*g*) Compare the 3 and 4 Vict., c. 29, s. 5 (Appendix A, *post*), under which the contract could not be annulled by the Poor Law Commissioners after fourteen days from the time of their receiving a copy of it under s. 4.

(*h*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

(*i*) See s. 9, *ante*. It may be convenient to notice here, that by the terms of the contract, according to the prescribed form, the payments are to be made at certain fixed periods,

have determined any such contract; and every payment made contrary hereto shall be disallowed by the auditor (*j*) in the accounts of every board of guardians, or of the overseers, (*k*) or of any officer who shall have made the same.

No public vaccinator to be paid for vaccination out of his district.

XI. Where a district shall have been or shall be assigned to a vaccinator, he shall not be entitled to be paid a fee in respect of the vaccination or re-vaccination of any child or other person resident out of his district, except in case of a vacancy in the office of vaccinator in any adjoining district, or of the default of the vaccinator therein, of which default notice shall have been given to him in writing by the guardians, or when a relieving officer of his union or parish shall in writing refer any child to him for vaccination. (*l*)

Provision for districts in particular

XII. The guardians may with the consent of the Poor Law Board provide in districts where the

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which are usually within a month after the ordinary quarter days; and it is important to bear in mind that if the payments are not promptly and punctually made there may be a difficulty in recovering them, having regard to the provisions of 22 and 23 Viet., c. 49, s. 1. If the fees under the contract are payable quarterly, those for the quarter ending, say 29th September, will become due within one month afterwards, *i.e.*, during the half-year ending at the following Lady-day; and if they are not paid during that half-year, or within three months after its termination, the guardians will not then be empowered to pay them without an order from the Local Government Board. The vaccinators should, therefore, be careful to send in their accounts to the guardians at the end of every quarter, and apply for payment with promptitude. See *Baker* v. *Billericay Union*, 9 Jur. (N.S.) 1201; 9 L. T. (N.S.) 486; 32 L. J. (N.S.) M. C. 40.

(*j*) As to an appeal against the auditor's decision, either to the Local Government Board or to the Court of Queen's Bench, see 7 and 8 Viet., c. 101, ss. 35, 36; 11 and 12 Viet., c. 91, s. 4; and 29 and 30 Viet., c. 113, s. 5.

(*k*) This reference to the "overseers" does not imply that they have any power to enter into a contract under this Act, even with the approval of the Local Government Board. See note (*r*) to s. 5, *ante*, p. 35.

(*l*) As to the former state of the law, see Appendix A, *post*, p. 86.

population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months; and if by reason of such interval the vaccination of any child cannot be performed within the respective periods herein prescribed, (*m*) no parent or other person who would otherwise be liable shall be liable to any penalty (*n*) in respect of a neglect to procure the vaccination during any such period; but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as herein provided, (*m*) or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination. (*m*)

Places of scanty population.

XIII. When the guardians make any alteration in a vaccination district, or otherwise in the local arrangements for vaccination, they shall give public notice of such alteration by printed papers to be affixed in the districts affected by such alteration for one month prior to such alteration taking effect. (*o*)

Guardians to give notice of alteration in districts.

XIV. *The Registrar-General for England and Wales shall, when he shall deem it necessary, from time to time as occasion shall require, after the passing of this Act, frame and provide appropriate books, forms, and regulations for the use and guidance of the registrars in the exercise of their duties therein prescribed, and also such forms as shall be required for the use of the public vaccinators and the signature of the medical practitioners under the provisions of this Act, and shall transmit the same to all registrars*

The Registrar-General to provide forms.

(*m*) See ss. 16, 18, 19, and 20, *post.*
(*n*) See s. 29, *post.*
(*o*) See ss. 2 and 3, *ante.*

*of births and deaths, who shall retain such as relate to themselves, and distribute among the vaccinators within their respective districts such as relate to them without any fee or reward.* (*p*)

Registrar of births to deliver notice of vaccination to parent or other person registering birth.

XV. The registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice, according to the form in the schedule hereto annexed marked A, or to the like effect, (*q*) to the parent, or, in the event of the death, illness, absence or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Act, and specifying the days, hours and places where the public vaccinator of the vaccination district wherein such child resides, or the vaccinator of any station duly authorized by the Lords of Her Majesty's Council, (*r*) will attend for the purpose of performing the operation, to which notice forms according to those in the said schedule marked B, C, and D, (*q*) and also the address of the registrar giving the notice, shall be attached in such form as the Registrar-General shall deem most convenient. (*s*)

Parent or

XVI. The parent of every child (*t*) born in Eng-

(*p*) This section is repealed by 34 and 35 Vict., c. 98, s. 17, and Schedule, *post*. For the substituted provisions, see ss. 5 and 8 of that Act, *post*.

(*q*) See the forms substituted by the order of the Local Government Board, dated Nov. 30, 1871, Appendix B, *post*. And see also the Registrar-General's Circular Letter of 14th December, 1871, Appendix B, *post*.

(*r*) See Appendix B, *post*. With regard to the designation of "public vaccinator" of the vaccination district, see s. 3, *ante*, p. 33.

(*s*) See also s. 24, *post*; as well as 34 and 35 Vict., c. 98, s. 6, *post*.

(*t*) This compulsory enactment applies to children only. An adult person may claim to be vaccinated, but cannot be legally compelled to undergo the operation. As to the definition of a "child," see note (*c*) to s. 29, *post*.

land (*u*) shall within three months (*v*) after the birth of such child, or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within three months (*v*) after receiving the custody of such child, take it or cause it to be taken to the public vaccinator (*w*) of the vaccination district in which it shall be then resident, according to the provisions of this or any other Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner; (*x*) and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, (*y*) to vaccinate such child.

other person to procure the vaccination of child within three months.

XVII. Upon the same day in the following week when the operation shall have been performed by the public vaccinator such parent or other person, as the case may be, shall (*x*) again take the child or cause it to be taken to him or to his deputy that he may inspect it, and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations; (*z*) and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion. (*x*)

Provision for inspection of vaccination.

(*u*) Including Wales, see *ante*, p. 31.

(*v*) These are calendar months. See 7 and 8 Vict., c. 101, s. 74, and 13 Vict., c. 21, s. 4.

(*w*) See note (*r*), *ante*, p. 42.

(*x*) As to the penalty for neglect, see ss. 29, 33, 34, *post*. See, however, s. 12, *ante*, as to the extension of the period for vaccination beyond three months in certain cases.

(*y*) See ss. 18, 19, and 20, *post*.

(*z*) See also s. 4, *ante*, and Dr. Seaton's "Handbook of Vaccination," ch. vi.—x. No penalty is here provided in case of the refusal of the parent or custodian of the child to allow the lymph to be taken; but this defect is now remedied by the Act of 1871. See 34 and 35 Vict., c. 98, s. 10, *post*.

Provision for the unfitness of the child for vaccination.

XVIII. If any public vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver (*a*) to the parent or other person having the custody of such child a certificate under his hand according to the form in the schedule hereto annexed marked B, or to the like effect (*b*) that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, (*c*) and shall be renewable for successive periods of two months, (*c*) until a public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result. (*d*)

Provision for successive certificates.

XIX. At or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child, and give (*e*) the certificate ac-

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(*a*) This provision is to a certain extent modified by the Act of 1871, 34 and 35 Vict., c. 98, s. 7, *post*, which requires a different course of proceeding to be adopted, according as the certificate is given by a public vaccinator or by any other medical practitioner. In the former case, the public vaccinator who gives the certificate is to transmit it to the vaccination officer, instead of delivering it to the "parent." In the latter case, the medical practitioner is still to deliver the certificate to the "parent," who, instead of keeping it, is to transmit it to the vaccination officer. In either case, it is to be transmitted to the vaccination officer within *seven* days after the re-examination of the child. If the "parent" wishes to retain a duplicate, he can procure one, either upon demand from the public vaccinator or by private arrangement with the medical practitioner.

(*b*) See the form substituted by the order of the Local Government Board, dated Nov. 30, 1871, Appendix B, *post*.

(*c*) Calendar months. See 7 and 8 Vict., c. 101, s. 74, and 13 Vict., c. 21, s. 4.

(*d*) As to penalties, see ss. 29, 30, 33, and 34, *post*.

(*e*) See note (*a*) to s. 18, *supra*.

cording to the said form B, (*f*) so long as he deems requisite under the circumstances of the case.(*g*)

Provision for insusceptibility of successful vaccination.

XX. If any such public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver (*h*) to the parent or other person as aforesaid a certificate under his hand according to the form in the schedule hereunto annexed marked C, or to the like effect, (*f*) and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.(*i*)

Certificate of successful vaccination to be transmitted to the registrar, and a duplicate given to the parent.

XXI. Every public vaccinator who shall have performed the operation of vaccination upon any child, and have ascertained that the same has been successful, shall, within twenty-one days (*k*) after the performance of the operation, transmit by post (*l*) or otherwise a certificate according to form D, in the said schedule, or to the like effect, (*f*) certifying that the said child has been successfully vaccinated, *to the registrar of births and deaths in the district within which the birth was registered, but if such district be not known to him, or if the birth of the child shall not have been registered, to the registrar within whose district the operation shall have been performed*, (*m*) and upon request shall deliver a du-

(*f*) See the form substituted by the order of the Local Government Board, dated Nov. 30, 1871, Appendix B, *post*.

(*g*) As to penalties, see secs. 29, 30, 33, and 34, *post*.

(*h*) See note (*a*) to s. 18, *supra*.

(*i*) See ss. 29, 30, 33, and 34, *post*.

(*k*) This period is now reduced to *seven* days, by the Act of 1871; see 34 and 35 Vict., c. 98, s. 7, *post*.

(*l*) With respect to the postage, in case of transmission by post, it has been arranged that the forms shall be stamped with the proper postage stamps before they are issued by the Registrar-General or the Local Government Board. See the forms in Appendix B, *post*.

(*m*) This is altered by the Act of 1871. See 34 and 35 Vict., c. 98, s. 6, *post*, which requires the words "vaccina-

plicate thereof to the parent or other person as aforesaid. (*n*)

No fee to be charged for certificate.

XXII. No fee or remuneration shall be charged by the public vaccinator to the parent or other person for any such certificate or duplicate certificate as aforesaid, (*o*) nor for any vaccination done under his contract, nor shall he be entitled to payment under his contract for any vaccination in respect of which he shall have been paid by the parent or other person for whom or on whom it is performed; and if he should have received payment under his contract he shall not be entitled to recover payment for the vaccination from any other person. (*p*)

Parent, &c., to transmit certificate of successful vaccination by medical practitioner to registrar of district.

XXIII. Where the vaccination shall be successfully performed by a medical practitioner not being a public vaccinator, the parent or other person as aforesaid causing the child to be vaccinated shall submit (*q*) a certificate according to the said form

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tion officer" to be substituted for "registrar of births and deaths." Full directions as to the transmission of the certificate to the proper vaccination officer will be found on the forms supplied by the Registrar-General and the Local Government Board.

(*n*) As to penalties, see s. 30, *post;* and as to medical practitioners, who are not public vaccinators, see s. 23, *post.* With regard to the importance of the duplicate to the parent or other person, see s. 34, *post*, and the note thereon.

(*o*) See ss. 18, 19, 20, and 21, *ante.*

(*p*) This enactment is intended to prevent the public vaccinator being paid twice for the same operation. It has obviously no application to medical practitioners who are not public vaccinators. See note (*y*) on s. 1 of the repealed Act, 16 and 17 Vict., c. 100, Appendix A, *post.*

(*q*) This is altered by the Act of 1871. See 34 and 35 Vict., c. 98, s. 17, and the Schedule, and also s. 7, *post*, which requires the medical practitioner of his own accord, and without waiting for the form to be "submitted" to him, to fill up and sign the proper certificate, and to deliver it to the "parent." The necessary forms will be duly supplied to all medical practitioners by the Local Government Board; though doubtless the "parent" will often bring with him the form which he has received from the Registrar of Births and Deaths, and which of course may be used.

marked D, (*r*) to such medical practitioner, to be filled up and signed by him, and shall within twenty-one (*s*) days after the performance of the operation transmit the same so signed, by post (*t*) or otherwise, *to the registrar of the district where the birth of such child was registered, or if such child shall not have been registered, or the district of the registration shall not be known to such parent or other person, to the registrar of the district in which the operation shall have been performed.* (*u*)

Registrar to keep books and register of vaccination to be open to searches.

XXIV. Every registrar shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required, (*v*) *and also register the certificates transmitted to him as herein provided, and shall at all reasonable times allow searches to be made therein, and upon demand*

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(*r*) See the form substituted by the order of the Local Government Board, dated Nov. 30, 1871, Appendix B, *post.*

(*s*) This period is now reduced to *seven* days. See 34 and 35 Vict., c. 98, s. 7, and also s. 17 and the Schedule, *post.*

(*t*) With respect to the postage, see note (*l*) to s. 21, *ante.*

(*u*) See note (*m*) to s. 21, *ante.* The enactment in s. 23 makes no mention of a duplicate. The medical practitioner, however, is rendered by this Act liable to penalties to which he was not before subject, in respect of these certificates (see s. 30, *post*, and also 34 and 35 Vict., c. 98, s. 7, *post*); but of course his fee or compensation will be a matter of private arrangement, as also the furnishing of a duplicate certificate, which the medical practitioner will probably not decline to supply, if requested to do so. With regard to the importance of this duplicate to the parent or other person, see s. 34, *post*, and the note thereon.

(*v*) See s. 15, *ante.* The alterations made by the Act of 1871 in these two sections (s. 15 and s. 24) of the Act of 1867 are somewhat complicated, and require to be carefully considered in order to be clearly understood. Sec. 15 remains untouched; and hence it still continues to be the duty of the registrar to give to the "parent" the proper notice of the requirement of vaccination. The first clause of s. 24 is also left unaltered, enacting that "every registrar shall keep a book in which he shall enter minutes of the notices" so given by him. He will hereafter discharge this duty by entering the particulars in a separate division of the form in

*give a copy under his hand or under that of his deputy of any entry in the same, on payment of a fee of six-*

Fees for searches and copies.

*pence for each search and threepence for each copy;* and every registrar shall receive a fee of one penny in respect of every child whose birth he shall have registered, and in respect of whom he shall give the notice as aforesaid, [*and another fee of threepence in respect of every such child whose certificate he shall have registered as herein provided, and he shall receive a fee of one penny in respect of each child whose certificate he shall have registered without having registered the birth;*](*w*) provided that no fee shall be charged for any search made by a public vaccinator, or any officer of the guardians authorized by them to make such search, or any inspector appointed by the Poor Law Board(*x*) or the Lords of Her Majesty's Council. (*x*)

Proviso.

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which he is to make his monthly return of births to the vaccination officer, under 34 and 35 Vict., c. 98, s. 8, *post*. See the Registrar-General's circular of 14th December, 1871. Appendix B, *post*. See. 24, however, goes on to provide that every registrar shall "also register the certificates transmitted to him as herein provided." This clause is not repealed (see the Act of 1871, s. 17, and Schedule, *post*); but by s. 6 of the Act of 1871, *post*, the vaccination officer is substituted for the registrar, except as regards the duty of giving and minuting the notices; and consequently the certificates of successful vaccination are now to be forwarded to the vaccination officer instead of the registrar, and it will become the duty of the former officer, instead of the latter, to register those certificates. It will also be his duty, under the following clause of the section, to allow searches and to give copies; but under s. 6 of the Act of 1871, *post*, he is to account to the guardians for all fees which he may receive in that behalf. As regards the registrar's fees, that portion of s. 24 which related to the fees for registering the certificates is repealed by the Act of 1871, s. 17, and Schedule, *post*; but the fee of one penny for giving the notice is still to be paid to him.

(*w*) The clause within brackets is repealed by 34 and 35 Vict., c. 98, s, 17, and Schedule, *post*.

(*x*) As to the substitution of the Local Government Board, see *ante*, p. 27, and *post*, p. 73.

XXV. The registrar shall make out an account of the fees to which he shall be entitled under this Act at the usual quarter days of the year, and submit the same to the guardians of the union or parish for which he acts, and they shall, after examining the same and comparing with the register of successful vaccinations kept *by him*, (*x*) and finding the account to be correct, forthwith pay the amount of the same out of the funds in their possession. (*y*)

Registrar to be paid fees by the boards of guardians.

XXVI. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms or charitable allowance to such person or his parent, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

Vaccination declared to be not parochial relief so as to disqualify.

XXVII. *The registrar of each district shall, within one week after the first day of January and the first day of July in each year, make a list of all cases*

Half-yearly proceedings by registrars and guardians

(*x*) This register will now be kept by the vaccination officer. See note (*v*) to s. 24, *ante;* and see also the Registrar-General's Circular Letter to the Registrars, 14th December, 1871 (Appendix B, *post*), in which he states as follows:—"On the examination of your account, the register of vaccinations in the hands of the vaccination officer will be referred to; and should you be required, for the purpose of supporting your claim, to produce the register book of births and deaths, it will be proper for you to do so." It may be well to add that, although "vaccination officer" must be substituted for "him" in the expression "kept by him," the words "vaccination officer" are not to be substituted for the word "registrar" at the beginning of the section, which, so far as regards the registrar's account, relates to s. 15. See the terms of s. 6 of the Act of 1871, *post.*

(*y*) As to the limitation of the time for payment, see 22 and 23 Vict., c. 49, s. 1, and note (*i*) to s. 10, *ante;* and as to the mode of charging the expense in unions, and in the metropolis, see note (*z*) to s. 7, *ante.*

*in which certificates of vaccination have not been duly received by him during the last preceding half-year, and shall submit the same to the next meeting of the guardians of the union or parish wherein he acts, and the said guardians shall forthwith make inquiry into the circumstances of the cases contained in the list, and if they find that the provisions of the Act have been neglected shall cause proceedings to be taken against the persons in default.* (*z*)

Power to guardians to pay certain expenses out of their funds.

XXVIII. The guardians of any union or parish may pay out of their funds all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of small-pox or vaccination in their union or parish, and in taking measures to prevent the spread of small-pox and to promote vaccination upon any actual or expected outbreak of that disease therein, and may (*a*) pay any officer appointed by them to prosecute persons charged with offences against this Act, or otherwise to enforce its provisions. (*b*)

Penalty on parent, &c., neglecting to

XXIX. Every parent or person having the custody of a child (*c*) who shall neglect to take such

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(*z*) This section is repealed by 34 and 35 Vict., c. 98, s. 17, and Schedule, *post*.

(*a*) The duty to appoint and pay one or more such officers is now made obligatory upon the guardians. See 34 and 35 Vict., c. 98, s. 5, *post*.

(*b*) As to the mode of charging these expenses in unions, see 28 and 29 Vict., c. 79, s. 1; and as to repayment from the Common Poor Fund in the metropolis, see 30 Vict., c. 6, s. 69, and 32 and 33 Vict., c. 63, s. 15; and note (*z*) on s. 7, *ante*. See also 23 and 24 Vict., c. 77, s. 14.

(*c*) The word "child" is not defined in the Act; and perhaps it is not necessary that it should be. When the time within which the child ought to be vaccinated—*i.e.*, the three months mentioned in s. 16, *ante*, or the further period mentioned in s. 12, *ante*—has expired, and the child has not been vaccinated, the offense of the "parent" is complete under s. 29, unless he has some defense—such as certificate B.—to urge. In any such case, therefore, the "parent" may

child or cause it to be taken to be vaccinated, (*d*) or after vaccination to be inspected, according to the provisions of this Act, (*e*) and shall not render a reasonable excuse (*f*) for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction (*e*) to pay a penalty not exceeding twenty shillings. (*g*) procure vaccination of the child.

XXX. Every public vaccinator, parent or per- Penalty on

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be proseeuted for the penalty, under s. 29, as soon as that period has expired. Where, however, proceedings are taken to seeure the actual vaccination of the child under s. 31, *post*, such proceedings must be taken before the child has attained the age of 14 years. See the Circular of the Local Government Board, October 17, 1871, par. 8 (Appendix B, *post*).

(*d*) See 34 and 35 Vict., c. 98, s. 11 (*post*), which provides that if the person so charged be found guilty, not of this offense, but of the offense of not transmitting a certificate, he may be dealt with accordingly.

(*e*) See ss. 16, 17, 18, 19, and 20, *ante*, and ss. 31, 33, and 34, *post*. With regard to a second conviction, see the decision in *Pilcher* v. *Stafford* (Appendix A, *post*, p. 93), which protects the parent from a second penalty under s. 29. Proceedings, however, may be taken to procure the vaccination of the child under s. 31, notwithstanding that a conviction may have been obtained under s. 29. See s. 31, and the notes thereon, *post*.

(*f*) See *Allen* v. *Worthy*, 39 L. J. (N.S.) M. C. 36, 21 L. T. (N.S.) 665, L. R. 5 Q. B. 163, and note (*v*), *post*, p. 55.

(*g*) The former Act, 16 and 17 Vict., c. 100, s. 13, expressly directed that all penalties recovered under that Act should be applied in aid of the funds applicable to the relief of the poor of the parish or place where the offense was committed. The present Act contains no such provision; on the contrary, it enacts, in s. 33 (*post*), that the 11 and 12 Vict., c. 43, except s. 11, shall apply to all proceedings taken under this Act. The 31st section of 11 and 12 Vict., c. 43, provides that if the statute under which any penalty is levied contains no directions for its payment to any person or persons, then the clerk to the justice or justices shall pay the amount to the treasurer of the county, riding, division, liberty, city, borough, or place, for which the justice or justices shall have acted. It thus appears that the penalties levied under the present Act are not to be applied in aid of the poor rates, but are to be paid over to the county or borough.

vaccinator and parent neglecting to transmit certificate, and persons signing false certificates.

son, as the case shall require, (*h*) who shall neglect to transmit any certificate required of him by the provisions of this Act, completely filled up and legibly written, to the registrar (*i*) within the time herein specified, and every public vaccinator who shall refuse to deliver the duplicate to the parent or other person, on request, (*k*) and every medical practitioner who shall refuse to fill up and sign the certificate of successful vaccination when submitted to him as aforesaid, (*l*) shall be liable to pay upon a summary conviction a penalty not exceeding twenty shillings; (*m*) and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanour, and punishable accordingly. (*n*)

Justices may make an order for the vaccination of any child under 14 years.

XXXI. If any registrar, (*o*) or any officer appointed by the guardians to enforce the provisions of this Act, (*p*) shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within (*q*) the union or parish for which the informant

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(*h*) See ss. 21 and 23, *ante*.

(*i*) "Vaccination officer" must be read here, instead of "registrar." See 34 and 35 Vict., c. 98, s. 6, *post*.

(*k*) See s. 21, *ante*.

(*l*) See s. 23, and the notes thereon, *ante;* and 34 and 35 Vict., c. 98, ss. 7, 17, and Schedule, *post*.

(*m*) See s. 33, *post;* and note (*g*) on s. 29, *ante*.

(*n*) See also 34 and 35 Vict., c. 98, s. 7, *post*.

(*o*) It appears that a registrar cannot now take proceedings under this section, as the "vaccination officer" supersedes him under 34 and 35 Vict., c. 98, s. 6, *post*.

(*p*) See s. 28, *ante;* and 34 and 35 Vict., c. 98, s. 5, *post*. It does not appear to be requisite that the officer should be furnished with a written appointment to enable him to prosecute for penalties under the Act; but in order to enable him to take proceedings under s. 31, it is perhaps necessary, and certainly advisable, that he should be able to produce to the justices documentary evidence of his appointment by the guardians. On this point, see 7 and 8 Vict., c. 101, s. 69; and *Smart* v. *West Ham Union*, 11 Exch. 867.

(*q*) These terms required that the child should be within

acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child (*r*) before him at a certain time and place, and upon the appearance, (*r*) if

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the union or parish at the time of the application to the justice; but it is now provided, by 34 and 35 Vict., c. 98, s. 11 (*post*), that the application may be made, and be proceeded with, if either the child or the parent is within the union or parish at the time. It was found that the Act was sometimes defeated by removing the child from the district in anticipation of the proceedings; but now the information can be laid if the parent is in the district, whether the child is there or not. And if, in such a case, the proceedings are so commenced, they may be continued to the end.

(*r*) "To appear with the child" . . "and upon the appearance." These words gave rise to considerable difficulty in dealing with cases where the parent attended without the child. In the evidence before the select committee of the House of Commons (*ante*, p. 22), this was explained as follows (April 25, 1871):—

"*Chairman.*—3836. Has another difficulty arisen also on account of the parent not having produced the child when summoned to do so by the justices?

"*Mr. Fry.*—The child may be within the union, and the parent may refuse to produce it, although he himself attends before the justice. In a case in which this occurred, the question arose—what was to be done? The Poor Law Board were consulted, and they laid a case before the law officers of the Crown, who advised upon it that, in their opinion, the justice, under the terms of this clause, might proceed with the case, and dispose of it in the absence of the child; that the appearance of the child before the justice was not necessary either to give him jurisdiction or to enable him to determine the case."

Again—

"*Mr. Jacob Bright.*—3895. Has a justice ever given orders for the vaccination of a child in such a case?

"*Mr. Fry.*—I believe that has been done since that opinion, but I cannot say positively. The law officers considered that the words 'upon the appearance' meant any appearance that would satisfy the summons; that it was not open to the parent to say, 'I have obeyed the summons,' and at the same time to say, 'I have not obeyed the summons.'

the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small-pox, he may, if he see fit, make an order (*s*) under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination,

Penalty for disobedience.

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"*Mr. Jacob Bright.*—3896. Here a parent may be summoned and not choose to come, and there is no penalty for the parent not coming, is there?

"*Mr. Fry.*—Then he would be dealt with under Jervis's Act, in the usual way; but he does attend, and he says, 'I have appeared to the summons.' Then the law officers say, 'If you have appeared, the justice may proceed.'

"*Chairman.*—3844. Have you any suggestion to make with respect to any amendment of this clause?

"*Mr. Fry.*—It appears to me to be desirable to amend sec. 31 by providing distinctly that the justice may investigate the case, and, if satisfied, make the order, whether the child is before him or not, and also whether the child is actually within the union or not, provided that the parent is within the jurisdiction of the justice."

It was subsequently held by the Court of Queen's Bench, in *Atkins* v. *Dutton*, 24 L. T. (N.S.) 507, 40 L. J. (N.S.) M. C. 157, L. R. 6 Q. B. 373, that the justice has jurisdiction to order the vaccination, although the child is not produced before him; and further provision is now made, as to proceeding in the absence of the child, by 34 and 35 Vict., c. 98, s. 11, *post*, which also renders the parent liable to a penalty for not producing the child when required. As to the non-appearance of the parent himself in obedience to the summons, see Jervis's Act, 11 and 12 Vict., c. 43, s. 2. It is provided, however, by 34 and 35 Vict., c. 98, s. 11, *post*, that the parent may appear by any member of his family, or any other person authorized by him in this behalf.

(*s*) The Act does not point out upon whom the order is to be made. The order is to direct the child to be vaccinated; but of course it cannot be made upon the child; and as, under the subsequent clause of the enactment, a penalty may be inflicted for disobeying it, the proper construction seems to be, that the order should be made upon the parent or person having the custody of the child, and not upon the officer of the guardians who may be the informant in the case.

the person upon whom such order shall have been made (*t*) shall be proceeded against summarily, (*u*) and unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings: (*v*)

Provided that if the justice shall be of opinion that the person is improperly brought before him, Proviso for costs to per

(*t*) See note (*s*), p. 54, *ante*.

(*u*) It is not here stated before what justices (whether before one, or two or more), this summary proceeding is to be taken; but having regard to sec. 33, *post*, which adopts the provisions of 11 and 12 Vict., c. 43, it seems that under sec. 12 of the last-named Act one justice may hear and determine the charge; and that he need not necessarily be the same justice by whom the order for the vaccination is made.

(*v*) See notes on s. 29, *ante;* and 34 and 35 Vict., c. 98, s. 11, *post*. In a former edition of this work it was stated that, "although the principle of the decision in *Pilcher* v. *Stafford* will prevent the infliction of a second penalty under s. 29, there appears to be nothing to prevent the renewal or repetition of proceedings under s. 31 as often as may be necessary until the vaccination of the child has been effected."

This view has been confirmed by the decision of the Court of Queen's Bench, in *Allen* v. *Worthy*, 39 L. J. (N.S.) M. C. 36, 21 L. T. (N.S) 665, L. R. 5 Q. B. 163.

It was there held that the defendant was rightly convicted for disobeying a second order, requiring him to have his child vaccinated, notwithstanding that he had been already convicted of disobedience to a previous order. Cockburn, C. J., said:—"It is clear that if the 31st section had not been introduced, the decision in *Pilcher* v. *Stafford* would have applied; but I think that that section makes all the difference as regards what may now be done with respect to a second offence and a second penalty. I think, therefore, that the power given by sec. 31 is not confined to one notice, one order, and one conviction, but that the whole proceeding may be instituted *toties quoties*, so long as the disobedience continues."

In the same case, a certificate in Form B. as to the child's unfitness for vaccination was produced to the justice and put forward as a bar to the proceedings; but the Court of Queen's Bench held that the justice had power to convict notwithstanding the certificate. Cockburn, C. J., after pointing out that whatever might be the effect of the certificate under s. 29 or s. 34, it was not binding or conclusive upon the jus-

son improperly summoned.

and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice. (*w*)

Penalty upon persons inoculating with small-pox.

XXXII. Any person who shall after the passing of this Act produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person, shall be guilty of an offence, and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding one month. (*x*)

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tices under s. 31, said that "they would have to consider the effect of the certificate, and if they were satisfied that it was not *bonâ fide* made, or not one on which they ought to act, it would be perfectly competent for them to convict the appellant. . . . The certificate ought to be taken into consideration with the other circumstances of the case; but it is enough for us to say that it is not an answer to the charge against the appellant so as to deprive the justices of the power to convict him."

(*w*) This liability will doubtless induce the informant to be circumspect in proceeding under this section. It will be observed that the section gives the justice no authority to order the person summoned to pay the costs of the informant. As to these, see s. 33, *post*.

(*x*) Compare the repealed enactment in 3 and 4 Vict., c. 29, s. 8; Appendix A, *post*.

It had been held to be an indictable offense unlawfully and injuriously to expose persons infected with the small-pox, whether produced by inoculation or otherwise, in the public streets, though inoculation was not itself an indictable offense; *R.* v. *Vantandillo*, 4 M. and S. 73; *R.* v. *Burnett*, *ib.* 272. In the first of these cases (in 1815), a mother was indicted for unlawfully and injuriously carrying her child, infected with the small-pox, along a public highway, in which persons were passing, and which was near to dwelling-houses; and Le Blanc, J., in passing sentence, said:—"If a person, unlawfully, injuriously, and with full knowledge of the fact, exposes in a public highway a person infected with

XXXIII. The statute of the eleventh and twelfth 11 and 12 Vict., c. 43,

a contagious disorder, it is a common nuisance to all the subjects, and indictable as such." But he added that the Court did not pronounce that a person who inoculated for the small-pox was guilty of an offense, "provided it was done in a proper manner, and the patient was kept from the society of others, so as not to endanger a communication of the disease." In the second case (in the same year), an apothecary was indicted for unlawfully and injuriously inoculating children with the small-pox, and causing them, whilst suffering from it, to be carried along the public street; and he was held guilty on the latter charge, but not on the former. Lord Ellenborough, C. J., said:—"Though inoculation for the small-pox may be practised lawfully and innocently, yet it must be under such guards as not to endanger the public health by communicating this infectious disease;" and Le Blanc, J., in passing sentence, observed:—"That the introduction of vaccination did not render the practice of inoculation for the small-pox unlawful; but that in all times it was unlawful, and an indictable offense, to expose persons infected with contagious disorders, and therefore liable to communicate them to the public, in a public place of resort." It had been previously held (in 1766 and 1767) not to be an indictable offense to build or keep a house for inoculating for the small-pox (*R.* v. *Wilmer and Nicholls*, and *R.* v. *Sutton*, 2 Burr. 2116, 3 Atk. 750). The practice of inoculation, therefore, was for the first time rendered unlawful by the enactment in 3 and 4 Vict., c. 29, s. 8, passed in 1840—about 120 years after the introduction of the practice by Lady Mary Wortley Montagu (see Introduction, *ante*, p. 12). The motives of that enactment are fully explained in the circular letter of the Poor Law Commissioners, dated 20th August, 1840 (see their Seventh Annual Report, p. 145; and their "Official Circular," vol. 1, p. 82), in which, after adverting to the evils of the small-pox, they observe:—"For the prevention of these evils the means prescribed by the new statute are—first, the entire prohibition of inoculation with the small-pox; secondly, the general extension of vaccination." See also the "Papers relating to the History and Practice of Vaccination," 1857, pp. vii.—xi.

In connection with this subject, it may be well to advert to the provision in the Nuisances Removal and Diseases Prevention Act of 1860 (23 and 24 Vict., c. 77, s. 12) with regard to special carriages for the conveyance of infected persons. That provision is as follows:—

"XII. It shall be lawful for the local authority for executing the 'Diseases Prevention Act' to provide and main-

except sec. 11, sec. 59, of Victoria, chapter forty-three, except section ele-

tain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to convey such sick and diseased persons as may be residing within such locality to any hospital or other place of destination, and the expense thereof shall be deemed to be an expense incurred in executing the said Act."

In their circular letter of 10th October, 1860, relating to that Act, the Poor Law Board made the following remarks with respect to the above provision:—

"It is necessary now to refer to two enactments calculated to be of much use to many Boards of Guardians. The first is contained in section 12, which enables them, when they are the authorities for executing the Diseases Prevention Act, to provide and maintain suitable carriages for the conveyance of sick and diseased persons residing within their locality to any hospital or other place of destination. The expense thereof is to be deemed an expense incurred in executing the said Act, and consequently will be chargeable upon the common fund in unions. The Board think that the Legislature intended that this provision should not be limited to the period when the Boards of Guardians are called upon to exercise their duties for the prevention of diseases under an Order in Council, but that it should be of general application."

In 1866 further provision was made on the same subject by 29 and 30 Vict., c. 90, ss. 24, 25, and 38, which are as follow:—

"XXIV. It shall be lawful at all times for the nuisance authority to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to pay the expense of conveying any person therein to a hospital or place for the reception of the sick or to his own home."

"XXV. If any person suffering from any dangerous infectious disorder shall enter any public conveyance without previously notifying to the owner or driver thereof that he is so suffering, he shall on conviction thereof before any justice be liable to a penalty not exceeding five pounds, and shall also be ordered by such justice to pay to such owner and driver all the losses and expenses they may suffer in carrying into effect the provisions of this Act; and no owner or driver of any public conveyance shall be required to convey any person so suffering until they shall have been first paid a sum sufficient to cover all such losses and expenses."

"XXXVIII. Any person suffering from any dangerous infectious disorder, who wilfully exposes himself, without proper precautions against spreading the said disorder, in

ven, (*y*) shall apply to all proceedings to be taken under this Act; and the justices for the county, city, borough, or other place where the offence shall

7 and 8 Vict. c. 101, and sec. 9 of 28 and 29 Vict. c. 79, to apply to these proceedings.

any street, public place or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or driver of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, with the knowledge of such owner or driver, conveyed any such sufferer, and any person who without previous disinfection gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorders, shall, on conviction of such offence before any justice, be liable to a penalty not exceeding five pounds: Provided that no proceedings under this section shall be taken against persons transmitting, with proper precautions, any such bedding, clothing, rags, or other things for the purpose of having the same disinfected."

See also ss. 22, 23, and 26—30, and sec. 39 of the last-mentioned Act.

(*y*) The section thus excepted (s. 11) limits the period within which proceedings may be adopted to six calendar months from the time when the matter of the complaint or information arose, and consequently that limitation will not apply to proceedings under the present Act. See Jervis's Acts, by Glen, 3rd edition, 1867.

This removal of the limit of time, however, only applied where the offense was committed beyond the boundaries of the metropolitan police district, as the present Act did not interfere with the operation of 2 and 3 Vict., c. 71, s. 44, which contains the following provision:—

"That all offences committed within the limits of the metropolitan police district, which under this or any other Act are punishable on summary conviction before a justice or justices of the peace, may be heard and determined by any of the said magistrates, sitting at one of the said police courts, in a summary way, within six calendar months at the farthest next after the commission of such offence, or within such shorter time as shall be limited by the Act specifying the offence, and not afterwards, whether or not any information in writing shall have been exhibited or taken by or before such magistrate."

It is now provided, however, by the Act of 1871, that the proceedings may be taken at any time within twelve months, but not afterwards; see 34 and 35 Vict., c. 98, s. 11, *post*, by which the time for proceeding is *extended* to twelve months in the metropolis, and *reduced* to twelve months in the rest of the country.

have been committed, shall have jurisdiction to hear and determine the complaint, and where a union or parish shall be comprised in several jurisdictions the complaint as to any matter arising in such union or parish may be heard and determined in any one of such jurisdictions; and all prosecutions undertaken by the guardians or their officers or any registrar under this Act shall be deemed to be within the operation of the seventh and eighth Victoria, chapter one hundred and one, section fifty-nine, and the Union Chargeability Act of 1865, section nine. (*z*)

Notice not to be proved by prosecutors.

XXXIV. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the registrar or any other officer of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the registrar (*a*) as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered, (*b*) the same shall be a sufficient defence for him, except

Certificates to be defence.

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(*z*) As to the application of the penalties, however, see note (*y*) to s. 29, *ante*.

(*a*) See note (*v*) to s. 24, and note (*x*) to s. 25, *ante*.

(*b*) There appears to be some inaccuracy in the language of this clause. The certificates are to be sent to the vaccination officer, either by the public vaccinator or by the parent or other person; and they are to be registered by him. It is not distinctly enacted that they are to be preserved by him, but apparently this is intended; and if so, both the certificates and the register of vaccinations will be in the possession of the vaccination officer, and not of the defendant. It is difficult to understand, therefore, how the defendant himself can produce them, though probably he can readily procure their production by the vaccination officer, or compel it by *subpœna duces tecum*. If, however, he has in his own possession a duplicate certificate, the production of such duplicate will doubtless be sufficient. With reference to the duplicate, see ss. 18, 20, 21 and 23, and notes thereon, *ante*; and 34 and 35 Vict., c. 98, s. 7, *post*.

in regard to the certificate marked B, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid. (*c*)

Interpretation of terms.

XXXV. The word "parent" shall include the father and mother of a legitimate child, and the mother of an illegitimate child; "medical practitioner" shall mean a registered medical practitioner; (*d*) and the several words herein contained shall be construed, except where any inconsistency would ensue from such construction, in the same manner as in the several Acts for the amendment of the law for the relief of the poor.

Sec. 7 of 21 and 22 Vict., c. 97, to apply to Acts of Privy Council.

XXXVI. The seventh section of the Public Health Act, 1858, shall apply to all the proceedings and acts of the Lords of her Majesty's Council herein authorized. (*e*)

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(*c*) As to the certificate marked B, see s. 18 and s. 19, *ante*. Also, *Allen* v. *Worthy*, and note (*v*) on s. 31, *ante* p. 55.

(*d*) See also s. 37 of the Medical Act of 1858, *post*, p. 89. A certificate under the Vaccination Acts must be signed by a duly registered medical practitioner; but it may be signed by such practitioner whatever his qualification to practise may be, whether medical, or surgical, or both.

(*e*) The 7th section of 21 and 22 Vict., c. 97, is as follows:—

VII. All powers vested in the Privy Council by this Act may be exercised by any three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said Privy Council on Education being one of them, and all orders, regulations, directions, and acts of the Privy Council under this Act, shall be sufficiently made or signified by a written or printed document, signed by one of the clerks of the Privy Council, or such officer as may be appointed by the Privy Council in this behalf; and all orders, regulations, directions, and acts made or signified by any written or printed document purporting to be so signed, shall be deemed to have been duly made, issued, and done by the Privy Council, and every such document shall be received in evidence in all courts and before all justices and others without proof of the authority or signature of such clerk or other officer, or other proof whatsoever, until it be shown that such document was not duly signed by the authority of the Privy Council.

Commencement of Act.

Short title.

XXXVII. This Act shall come into operation on the first day of January next, and may be cited as "The Vaccination Act of 1867."

## SCHEDULE OF FORMS.

(A).

[*See the form substituted by the order of the Local Government Board, dated Nov.* 30, 1871, *Appendix B, post.*]

(B).

[*See the form substituted by the order of the Local Government Board, dated Nov.* 30, 1871, *Appendix B, post.*]

(C).

[*See the form substituted by the order of the Local Government Board, dated Nov.* 30, 1871, *Appendix B, post.*]

(D).

[*See the form substituted by the order of the Local Government Board, dated Nov.* 30, 1871, *Appendix B, post.*]

# VACCINATION ACT, 1871.

34 AND 35 VICT., C. 98.

An Act to amend the Vaccination Act, 1867.

21*st August*, 1871.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## *Preliminary.*

Short title.

I. This Act may be cited as "The Vaccination Act, 1871."

Commencement of Act.

II. This Act, except as hereinafter expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January, one thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act.

Construction of Act.

III. This Act shall be construed as one with the Vaccination Act of 1867, (*a*) in this Act referred to as the principal Act, and those Acts (*b*) and this Act may be cited together as "The Vaccination Acts, 1867 and 1871."

Definition of "parent."

IV. In this Act the term "parent" includes any person having the custody of a child. (*c*)

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(*a*) See 30 and 31 Vict., c. 84, *ante*.

(*b*) The expression "those Acts," appears to be an inadvertence; it should be "that Act," referring to the Act of 1867.

(*c*) It is important to bear this in mind in construing the present Act. See also the definition of "parent" in the Act of 1867, 30 and 31 Vict., c. 84, s. 35, *ante*.

*Vaccination Officer.*

Appointment of vaccination officer.

V. Whereas, under the principal Act (*d*) the guardians of any union or parish may pay any officer appointed by them to prosecute persons charged with offences against that Act or otherwise to enforce its provisions, and it is expedient to render obligatory the appointment of such an officer: Be it enacted that the guardians of every union and parish shall appoint and pay (*e*) one or more of such officers (in this Act referred to as "vaccination officers").

The provisions of the principal Act (*f*) with respect to the division of unions and parishes into vaccination districts shall extend to authorize the division of such unions or parishes into districts for the purpose of the duties of vaccination officers, so however that a district of one vaccination officer shall (unless the Poor Law Board (*g*) otherwise direct) coincide either with a vaccination district or districts under the principal Act (*h*) or with a district or districts of a registrar of births and deaths.

Subject to the provisions of this Act, the Poor Law Board (*g*) shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply mutatis mutandis; (*i*) and the Poor Law Board (*g*)

(*d*) See 30 and 31 Vict., c. 84, s. 28, *ante*.

(*e*) It will be observed that the guardians are required to "pay" as well as to appoint.

(*f*) See 30 and 31 Vict., c. 84, ss. 2 and 3, *ante;* and s. 13, *ante*.

(*g*) As to the substitution of the Local Government Board, see s. 16, *post*.

(*h*) See 30 and 31 Vict., c. 84, ss. 2 and 3, *ante*.

(*i*) See the order issued by the Local Government Board on

shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act. (*j*)

Duties of vaccination officer.

VI. The vaccination officer shall perform all the duties imposed by the principal Act on the registrar of births and deaths, except the duty of giving the notices mentioned in section fifteen of the principal Act, (*k*) and the principal Act shall be construed as if the words "vaccination officer" were substituted for the words "registrar of births and deaths" throughout that Act, except section fifteen and any other part of that Act relating to that section, and except that all fees received by the vaccination officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid. (*k*)

Transmission of certificates to vaccination officer.

VII. Every certificate of a child being unfit for (*l*) or insusceptible of (*m*) successful vaccination if given by a public vaccinator shall, instead of being delivered by him to the parent, (*n*) be transmitted by such public vaccinator, and if given by any other medical practitioner shall be transmitted

23rd Jan., 1872; the circulars dated 17th Oct., 1871; and the instructions issued on 21st Dec., with the circular of 23rd Dec., 1871; Appendix B, *post*.

(*j*) The 14th section of the Act of 1867 (*ante*), which enacted that the books and forms should be supplied to the public vaccinators and medical practitioners by the Registrar-General, is repealed by the present Act, s. 17, and Schedule, *post*. Under the present enactment (s. 5) it devolves upon the Local Government Board to supply the proper books and forms, not only to the public vaccinators and medical practitioners, but to the vaccination officers also. As to the registrars of births and deaths, see s. 8, *post*.

(*k*) See 30 and 31 Vict., c. 84, s. 15, s. 24, s. 25, and the notes thereon, *ante*.

(*l*) See 30 and 31 Vict., c. 84, ss. 18 and 19, *ante*.

(*m*) See 30 and 31 Vict., c. 84, s. 20, *ante*.

(*n*) As to the definition of "parent" see s. 4, *ante* p. 63.

by the parent (*o*) of such child, to the vaccination officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the public vaccinator shall, upon request, and without fee or charge, deliver to the parent (*o*) a duplicate of any such certificate transmitted by him.

Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; (*p*) and where a medical practitioner who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent (*o*) causing the child to be vaccinated a certificate of successful vaccination, in the proper form, and duly filled up and signed by him. (*q*)

Every person who acts in contravention of or fails to comply with any provision of this section shall be liable on summary conviction to a penalty not exceeding twenty shillings; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of a misdemeanour, and be liable to fine or to imprisonment with or without hard labour for a period not exceeding two years. (*r*)

No fee shall be payable for the registration of any certificate of vaccination under the principal Act or this Act.

Transmission to vaccination officer of list of births and deaths.

VIII. Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer

(*o*) As to the definition of "parent," see s. 4, *ante*, p. 63.
(*p*) See 30 and 31 Viet., c. 84, s. 21, *ante*.
(*q*) See 30 and 31 Viet., c. 84, s. 23, *ante*.
(*r*) See 30 and 31 Viet., c. 84, s. 30, *ante*.

whose district is wholly or partly comprised in such place, a return, certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return since the passing of this Act), been registered by such registrar as having occurred in the district of the vaccination officer to whom the return is sent. (*s*)

The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of two-pence for every birth or death entered in such return; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act. (*t*)

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the Registrar-General of Births and Deaths in England, with the approval of the Poor Law Board; (*u*) and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said Registrar-General to every registrar of births and deaths. (*s*)

Payment of fee by re-vaccinated person where not inspected.

IX. Where the operation of re-vaccinating any person is performed on the application of such person by the public vaccinator without charge to such person, the public vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected and the result of the operation ascertained, and stating that in default

(*s*) See the instructional letter, and the accompanying forms, issued by the Registrar-General, on 14th December, 1871, Appendix B, *post*.

(*t*) See 30 and 31 Vict., c. 84, ss. 15, 24, and 25, *ante*.

(*u*) As to the substitution of the Local Government Board, see s. 16, *post*.

he will be liable as in this section mentioned, and the public vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination; and if such person fail to comply with such notice or to permit the public vaccinator or his deputy to ascertain the result of the operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such public vaccinator acts, and all such fees shall be paid to and all expenses of the guardians incurred under this section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid. (*v*)

*Penalties.*

Penalty for preventing vaccinator from taking lymph.

X. Every person who prevents any public vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings. (*w*)

Amendment of legal proceedings for penalties.

XI. Proceedings under section thirty-one of the principal Act may be taken and proceeded with with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such vaccination officer. (*x*)

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act, such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings. (*y*)

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(*v*) See 30 and 31 Vict., c. 84, s. 8, *ante*.

(*w*) See 30 and 31 Vict., c. 84, s. 17, *ante*.

(*x*) See 30 and 31 Vict., c. 84, s. 31, *ante*.

(*y*) See 30 and 31 Vict., c. 84, s. 31, *ante*. Under that enactment it was held by the Recorder of Bridgewater, in a case which occurred there, that an indictment would lie for

Any complaint may be made and any information laid for an offence under the Vaccination Acts, 1867 and 1871, at any time not exceeding twelve months from the time when the matter of such complaint or information arose and not subsequently. (*z*)

Where a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the justices having cognizance of the case that such person is not guilty of such offence but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith. (*a*)

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorized by him in this behalf.

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not produeing the ehild in obedience to the summons (*Law Times*, 22nd July, 1871); but the present Act provides a more summary remedy.

(*z*) See 30 and 31 Vict., c. 84, s. 33, note (*y*) *ante*. An "information" under s. 29 of the Act of 1867 must now be "laid" within 12 months after the offense beeomes complete (see note (*c*) to that section, *ante*, p. 50); and if an order made under s. 31 is disobeyed, the "information" relating to such disobedience must likewise be "laid" within 12 months. The applieation for an order under s. 31, to get a ehild under 14 years of age vaecinated, is not an "information" but a "eomplaint" (see 11 and 12 Viet., c. 43); and it seems that the period of 12 months in such a case will begin to run from the time when the notiee to the parent under s. 31 has been given, and disregarded. If that notiec speeifies a limit of time within whieh the child should be vaeeinated, and the ehild is not then vaccinated, the notiee will be disregarded; and the offieer can thereupon apply to the justice for an order at any time within 12 months from that date. See *Allen* v. *Worthy*, *ante*, p. 55.

(*a*) See 30 and 31 Vict., c. 84, ss. 29 and 30, *ante*.

*Miscellaneous.*

Certificate of successful vaccination.

XII. Where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate. (*b*)

Vaccination by Poor Law medical officer of persons in the house with a person ill of small-pox.

XIII. Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of small-pox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the small-pox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-vaccination by a public vaccinator is paid for under the regulations of the Lords of Her Majesty's Council for the time being in force, (*c*) such medical officer shall, upon transmitting the same certificates as he would be required to transmit if he were the public vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum out of the same fund as he would be entitled to receive if he were the public vaccinator for the district.

Extension of sec. 9 of 30 and 31 Vict.,

XIV. The powers of the Poor Law Board, (*d*) under section nine of the principal Act, (*e*) with re-

(*b*) As to the form of this certificate, see the form (E) prescribed by the order of the Local Government Board, dated November 30th, 1871, Appendix B, *post*.

(*c*) See Appendix B, *post*.

(*d*) As to the substitution of the Local Government Board, see s. 16, *post*.

(*e*) See 30 and 31 Vict., c. 84, s. 9, *ante*.

spect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act. c. 84, as to contracts for vaccination.

XV. The Poor Law Board (*f*) may, by order, from time to time repeal, alter, and add to the forms contained in the schedule to the principal Act, and the reference in the principal Act or this Act to the forms in such schedule or to any forms shall be construed to refer to the forms prescribed by any such order. (*g*) Alteration of forms.

XVI. After the establishment of the Local Government Board under any Act passed in the present session, this Act (*h*) shall be construed as if the words Local Government Board were throughout it substituted for the words Poor Law Board or Lords of Her Majesty's Privy Council respectively. Substitution of Local Government Board for Poor Law Board and Privy Council.

XVII. After the commencement of this Act, (*i*) the principal Act shall be repealed to the extent specified in the third column of the schedule to this Act: Provided that this repeal shall not affect anything done or suffered before the passing of this Act, or As to repeal of part of principal Act.

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(*f*) As to the substitution of the Local Government Board, see s. 16, *post*.

(*g*) See the order issued by the Local Government Board on 30th November, 1871, Appendix B, *post*.

(*h*) It will be observed that "this Act" alone is here referred to, and that no mention is made of the principal Act, *i.e.*, the Act of 1867. The reason is, that the substitution of the Local Government Board for the Poor Law Board or the Privy Council was provided for by the Local Government Board Act (34 and 35 Vict., c. 70, *post*) which was passed on 14th August, 1871, so far as regarded the Vaccination Act of 1867, but not so far as regarded the present Act, which was passed on 21st August, 1871, subsequently to the establishment of the Local Government Board (see note to sec. 7 of 34 and 35 Vict., c. 70, *post*). Hence, the special provision here made in sec. 16 became necessary with reference to the present Act, but it was not required to extend beyond that Act.

(*i*) See s. 2, *ante*, p. 63.

any right, interest, or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, interest, or liability.

## SCHEDULE.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 30 and 31 Vict., c. 84. | The Vaccination Act of 1867. | Section fourteen; so much of section twenty-three "as requires a parent to submit any certificate, or prescribes the time within which any certificate is to be transmitted;" and the following words in section twenty-four, namely, "and another fee of threepence in respect of every such child whose certificate he shall have registered as herein provided, and he shall receive a fee of one penny in respect of each child whose certificate he shall have registered without having registered the birth;" and section twenty-seven. |

# LOCAL GOVERNMENT BOARD ACT.

## 34 AND 35 VICT., C. 70.

An Act for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board.

14*th August*, 1871.

WHEREAS it is expedient to concentrate in one department of the Government as hereinafter provided the supervision of the laws relating to the public health, the relief of the poor, and local government:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### *Preliminary.*

I. This Act may be cited as "The Local Government Board Act, 1871." Short title.

### *Establishment of Local Government Board.*

II. A Board shall be established, (*a*) to be called the Local Government Board, and from and after the establishment of such Board the Poor Law Board shall cease to exist, (*a*) and all powers and Establishment of Local Government Board.

(*a*) See sec. 3, *post*, which provides that the Local Government Board shall be deemed to be established from and after the date of the first appointment of a president.

duties vested in or imposed on the Poor Law Board by the several Acts of Parliament relating to the relief of the poor and any other Acts, or vested in or imposed on one of Her Majesty's Principal Secretaries of State by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's most honourable Privy Council by the enactments in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said Local Government Board, and, except as otherwise provided by this Act, shall be exercised and performed by such Board in like manner and form, and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

Constitution of Local Government Board.

III. The Local Government Board shall consist of a president to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following ex-officio members, that is to say, the Lord President of Her Majesty's most honourable Privy Council, all Her Majesty's Principal Secretaries of State for the time being, the Lord Privy Seal, and the Chancellor of the Exchequer.

The Local Government Board shall be deemed to be established from and after the date of the first appointment of a president under this Act. (*b*)

The Local Government Board may appoint in writing such secretaries, assistant secretaries, inspectors, auditors, clerks, messengers, and other

(*b*) The first president under this Act (the Right Honourable James Stansfeld, M.P.), was appointed by Her Majesty on the 19th August, 1871; and therefore the Local Government Board was established on that day.

officers as the Board may, with the sanction of the Treasury, determine.

No payment shall be made in respect of their duties under this Act to the ex-officio members of the Local Government Board, but there shall be paid out of moneys provided by Parliament to the president, secretaries, and other officers of the Board such salaries as the Treasury may from time to time determine: Provided, that the appointment of any officer to a new office made by the Local Government Board in pursuance of this section shall be deemed to be temporary only until the salary of such office has been provided for by Parliament.

President and one of the secretaries may sit in Parliament.

IV. The president and one of the secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of president shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule H. of the Representation of the People (Scotland) Act, 1868; and in Schedule E. of the Representation of the People (Ireland) Act, 1868.

Seal, style, and acts of Board.

V. The Local Government Board may adopt an official seal, and describe themselves generally by the style and title of "The Local Government Board," and, save as hereinafter provided, any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the president or by any member of the Local Government Board, or by a secretary, or assistant secretary, if such secretary or assistant secretary is authorized to do or execute the same by any general order of the Local Government Board.

A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board, and signed by the president or one of the ex-officio members of the Board, and

countersigned by a secretary or assistant secretary; and the production of such *primâ facie* evidence of any of the said rules, orders, or regulations as is required by the Documentary Evidence Act, 1868, with respect to the rules, orders, or regulations of the Poor Law Board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Local Government Board was duly made.

Transfer of officers.

VI. All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the Local Government Board shall, from and after the establishment of the Local Government Board, be attached to and under the control of the Local Government Board.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not passed.

The Local Government Board may, by order, distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred to the Board by this Act in such manner as the Local Government Board may think expedient.

Construction of Acts and documents, and power of Local Go-

VII. In the construction of and for the purposes of any Act of Parliament, contract, or other document passed, entered into, or made before the establishment of the Local Government Board, (*c*) but so

(*c*) This enactment, it will be seen, refers to such Acts of Parliament only as were passed "before the establishment of the Local Government Board." That Board was established on 19th August, 1871 (see note to s. 3, *ante*), and consequently this enactment does not apply to the Vaccination Act of 1871 (34 and 35 Vict., c. 98), which was not passed until 21st August, 1871—*i.e.*, two days after the establishment of the new Board. Hence, it became necessary to make

far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the Local Government Board, the name of such Board shall, according to circumstances, be deemed to be substituted for the Poor Law Board, one of Her Majesty's Principal Secretaries of State, or Her Majesty's most honourable Privy Council, as the case may require; and any act or thing which might, if this Act had not passed, have been done by the Poor Law Board, or by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's most honourable Privy Council, so far as relates to the powers and duties hereby transferred, may be done by the Local Government Board. (*c*)

vernment Board.

VIII. Where under an Act, whether passed before or after the passing of this Act, any return relative to any rate, toll, tax, or due raised in England (other than such as is raised for the public revenue of the United Kingdom) is required to be sent to one of Her Majesty's Secretaries of State or any other department of the Government, a duplicate of such return shall in like manner be sent to the Local Government Board, and any person failing to send the same shall be subject to the like penalties as a person neglecting to send any return under the Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter fifty-one.

Duplicate returns to be sent to Local Government Board.

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special provision in that Act with reference to this point (See s. 16 of that Act, and note thereon, *ante*, p. 71). The reference to 30 and 31 Vict., c. 84, and the amending Acts, in the Schedule to the present Act, Part II., *post*, is confined to the powers and duties of the Privy Council, and does not extend to the powers and duties of the late Poor Law Board.

## SCHEDULE referred to in the foregoing Act.

### Part I.

*Powers and Duties of Secretary of State.*

| Subject. | Act. |
|---|---|
| Registration of Births, Deaths, and Marriages | 6 and 7 Wm. 4, c. 86.<br>7 Wm. 4 and 1 Vict., c. 22. |
| Public Health | 11 and 12 Vict., c. 63. |
| Local Government | 21 and 22 Vict., c. 98.<br>24 and 25 Vict., c. 61.<br>26 and 27 Vict., c. 17. |
| Drainage. Sanitary Matters | 28 and 29 Vict., c. 75.<br>29 and 30 Vict., c. 90.<br>30 and 31 Vict., c. 113.<br>31 and 32 Vict., c. 115.<br>32 and 33 Vict., c. 100. |
| Baths and Wash-houses | 9 and 10 Vict., c. 74.<br>10 and 11 Vict., c. 61. |
| Public Improvements | 23 and 24 Vict., c. 30. |
| Towns Improvement | 10 and 11 Vict., c. 34. |
| Artizans' and Labourers' Dwellings | 31 and 32 Vict., c. 130. |
| Returns. Local Taxation. | 23 and 24 Vict., c. 51.<br>And any Acts amending the said Acts, and conferring powers on the said Secretary of State. |

## PART II.

*Powers and Duties of Privy Council.*

| Subject. | Act. |
|---|---|
| Prevention of Disease - | 11 and 12 Vict., c. 63.<br>18 and 19 Vict., c. 116.<br>Sections one, three, five, and six of 21 and 22 Vict., c. 97. (*d*)<br>22 and 23 Vict., c. 3.<br>23 and 24 Vict., c. 77.<br>29 and 30 Vict., c. 90.<br>31 and 32 Vict., c. 115. |
| Vaccination (*e*) - - | 30 and 31 Vict., c. 84.<br>And any Acts amending the said Acts, and conferring powers on the said Privy Council. |

(*d*) This leaves two sections, and only two, of the 21 and 22 Vict., c. 97, still in force, viz., s. 4 and s. 7. The latter (s. 7) will be found on p. 61 (*ante*), and the former (s. 4) is as follows:—

"The powers of appointing and removing a medical officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the discontinuance of that Board, be vested in the Privy Council; and the person who at the time of the cesser of the General Board of Health may be their medical officer shall become the medical officer of the Privy Council subject to such power of removal as aforesaid; and the Privy Council may also from time to time employ such other persons as they may deem necessary for the purposes of this Act; and there shall be paid to the medical officer such salary not exceeding fifteen hundred pounds per annum, and to such other persons such remuneration and allowances as the Commissioners of Her Majesty's Treasury may direct; and such salary, remuneration, and allowances, shall be paid out of such monies as shall be provided by Parliament."

For the repealed sections, see Appendix A, *post*.

(*e*) See note to s. 7 of the present Act, *ante*.

# APPENDIX (A).

PAGE

The Repealed Statutes, with Notes:

3 and 4 Vict., c. 29 . . . . . 81

4 and 5 Vict., c. 32 . . . . . 84

16 and 17 Vict., c. 100 . . . . . 86

21 and 22 Vict., c. 25, s. 7 . . . . . 98

21 and 22 Vict., c. 97 . . . . . 99

22 and 23 Vict., c. 3 . . . . . 101

24 and 25 Vict., c. 59 . . . . . 101

## 3 AND 4 VICT., C. 29. (*a*)

An Act to extend the Practice of Vaccination.

*23rd July*, 1840.

Poor Law guardians to contract with their medical officers, or other medical practitioners for vaccination.

I. WHEREAS it is expedient to extend the practice of Vaccination: (*b*) Be it therefore enacted, that from and after the passing of this Act it shall be lawful for the guardians of every parish or union, (*c*) and for the overseers of every parish in which relief to the poor shall not be administered by guardians, in *England* and *Wales*, and they are hereby directed to contract (*d*) with the medical officers of their several unions or parishes respectively, or with any legally qualified medical practitioner or practitioners, (*e*) for the vaccination of all persons resident in such unions or parishes respectively: (*f*)

(*a*) With regard to the repeal of this Act, see 30 and 31 Vict., c. 84, s. 1, *ante*.

(*b*) In a case which occurred in 1835, it was held that an overseer was not bound to take measures to cause the paupers of the parish to be vaccinated during the prevalence of the small-pox. In that case, the small-pox having broken out in the parish, an agreement was entered into with a medical man to vaccinate the paupers at 1*s*. 6*d*. per head. One of the overseers, a party to this agreement, subsequently refused to allow it to be carried into effect; and all the paupers in the parish afterwards caught the small-pox, and one of them died; but it did not appear that any of the paupers had either applied, or consented, to be vaccinated. The Court refused to grant a criminal information against the overseers; considering that it was no part of the duty imposed by law on overseers to cause paupers to be vaccinated. *Anon.* 3 A. and E. 552, 5 N. and M. 12, 4 L. J. (N.S.) M. C. 112, 1 Lum. P. L. C. 41.

(*c*) As to the meaning of the word "union," see the interpretation clause, s. 9, *post*.

(*d*) See 16 and 17 Vict., c. 100, *post;* 21 and 22 Vict., c. 97, *post;* and 22 and 23 Vict., c. 3, *post*.

(*e*) See 21 and 22 Vict., c. 97, s. 2, *post;* and the regulations of the Privy Council. See also "the Medical Act," 21 and 22 Vict., c. 90.

(*f*) It was considered that these terms required that each contractor for vaccination in a union should contract to vaccinate all persons resident within the union, who might

provided always, that it shall be a condition of every such contract that the amount of the remuneration (*g*) to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical officers or practitioners respectively so contracting. (*h*)

Guardians to conform to the regulations of the Poor Law Commissioners.

II. And be it further enacted, that in making such arrangements as may be required for the execution of this Act, such guardians and overseers, and all other officers engaged in the administration of the laws for the relief of the poor, shall conform to the regulations which may from time to time be issued by the Poor Law Commissioners (*i*) in that behalf, which regulations the said Commissioners are hereby authorized and required to make and issue. (*k*)

Medical officers to report the number of persons vaccinated, &c.

III. And be it further enacted, that such medical officers or practitioners shall make a report to such guardians or overseers from time to time of the number of persons successfully vaccinated by them respectively, and shall make such further report, with respect to the persons so vaccinated, as such guardians and overseers, under the direction of the Poor Law Commissioners, (*i*) shall require.

Copies of contracts to be sent to Commissioners.

IV. And be it enacted, that such guardians or overseers shall forthwith, after the conclusion of any such contract as before mentioned, transmit a copy thereof to the Poor Law Commissioners. (*i*)

Annulling of contracts.

V. And be it enacted, that if such Commissioners (*i*) shall not annul such contract within fourteen days from the receipt thereof, such contract shall thenceforth not be liable to be annulled by such Commissioners. (*l*)

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apply to him, and not merely those persons who might reside within a particular district.

(*g*) As to the payment, out of the poor rates, see 4 and 5 Vict., c. 32, *post*.

(*h*) See also 16 and 17 Vict., c. 100, s. 6, *post*.

(*i*) See 10 and 11 Vict., c. 109, as to the Poor Law Board.

(*k*) As to the Privy Council, see 21 and 22 Vict., c. 97, *post*, and 22 and 23 Vict., c. 3, *post*; and as to the Registrar-General, see 16 and 17 Vict., c. 100, s. 11, *post*, and 21 and 22 Vict., c. 25, s. 7, *post*.

(*l*) This appears to refer to the power given to the Poor Law Commissioners in the 4 and 5 Wm. 4, c. 76, s. 49, of declaring contracts entered into by boards of guardians void.

Guardians of Poor Law Unions in Ireland to divide their unions into districts, &c.

VI. And be it further enacted, that as soon as may be after the passing of this Act, the guardians of every Poor Law Union in *Ireland* shall (subject to the approbation of the Poor Law Commissioners) divide such union into districts of convenient extent, and may alter the same from time to time, subject to the like approbation, and shall (subject to such approbation as aforesaid) contract with competent medical practitioners for the period of one year, and so from year to year as such contract may expire, for the vaccination of all persons who may come to such medical practitioners for that purpose. (*m*)

Previous provisions with respect to unions in England and Wales to apply to Ireland.

VII. And be it further enacted, that all the provisions hereinbefore made with respect to *England* and *Wales* for the making of reports of such medical officers or medical practitioners shall apply to all such contracts as may be made under this Act by the guardians of any Poor Law Union in *Ireland;* and such guardians, and all other officers engaged in the administration of relief to the destitute poor, shall conform to the regulations and instructions of the Poor Law Commissioners, in like manner as is hereinbefore directed with respect to guardians, overseers, and other officers in *England* and *Wales*. (*n*).

Persons inoculating or otherwise producing small-pox to be subject to one month's imprisonment.

VIII. And be it further enacted, that any person who shall from and after the passing of this Act, produce or attempt to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person in *England*, *Wales*, or *Ireland*, (*o*) shall be liable to be proceeded against and convicted summarily before any two or more justices of the peace in petty sessions assembled, and for every such offence shall, upon conviction, be imprisoned in the common gaol or house of correction for any term not exceeding one month.

Interpretation of words.

IX. And be it further enacted, that every word in such part of this Act as refers to *England* and *Wales* shall be in-

(*m*) See 14 and 15 Vict., c. 68, s. 13.

(*n*) See note to s. 6, *supra*.

(*o*) This enactment is not affected by 14 and 15 Vict., c. 68, s. 13, as regards Ireland.

terpreted in like manner as such word is directed to be interpreted in an Act passed in the fourth and fifth year of his late Majesty King William the Fourth, intituled "*An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales;*" (*p*) and that every word used in such part of this Act as relates to *Ireland* shall be interpreted in like manner as such word is directed to be interpreted in an Act passed in the first and second year of the reign of her present Majesty, intituled "*An Act for the more effectual Relief of the destitute Poor in Ireland.*"

4 and 5 Wm. 4, c. 76.

1 and 2 Vict., c. 56.

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4 AND 5 VICT., C. 32. (*q*)

An Act to amend an Act to extend the Practice of Vaccination.

21*st June*, 1841.

I. WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty, intituled "*An Act to extend the Practice of Vaccination;*" but no express provision was thereby made for defraying the expenses of carrying the same into execution: be it therefore declared and enacted, that it shall be and be deemed to have been lawful for the guardians of every parish or union in *England* (*r*) and *Ireland* and the overseers of every parish in *England* (*r*) by whom the contracts for vaccination may respectively be or have been made under the provisions of the said Act, to defray the ex-

3 and 4 Vict., c. 29.

Expenses of vaccination to be defrayed out of the poor rates.

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(*p*) The provisions of that Act (4 and 5 Wm. 4, c. 76) are extended by the 5 and 6 Vict., c. 57, s. 18, to every rule, order, or regulation directed or authorized to be made by the Poor Law Commissioners under this Act. See also 7 and 8 Vict., c. 101, s. 74. With regard to the application of interpretation clauses, see the remarks of Lord Denman, C. J., in *Reg.* v. *Justices of Cambridgeshire*, 7 A. and E. 491, 1 P. and D. 249; and of Lord Cottenham, L. C., in the *Attorney-General* v. *the Corporation of Worcester*, 15 L. J. (N.S.) ch. 398.

(*q*) With regard to the repeal of this Act, see 30 and 31 Vict., c. 84, s. 1, *ante*.

(*r*) *England* includes *Wales:* see 20 Geo. 2, c. 42, s. 3, which is not repealed by 43 Geo. 3, c. 161, s. 84.

penses incident to the execution of the said Act out of any rates or monies which may come or may have come into their hands respectively for the relief of the poor. (*s*)

Vaccination declared not to be parochial relief.

II. And be it further declared and enacted, (*t*) that the vaccination, or surgical and medical assistance incident to the vaccination, of any person resident in any union or parish, or of any of his family, under the said Act, shall not be considered to be parochial relief, alms, or charitable allowance to such person, and that no such person shall by reason of such vaccination or assistance be deprived of any right or privilege, or be subject to any disability or disqualification whatsoever.

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(*s*) This clause removed a doubt which had been raised upon the former Act, as to whether the expenses of the vaccination could be paid for out of the poor rates; as to which see the Minute of the Poor Law Commissioners, dated 28th September, 1840, in their Seventh Annual Report, p. 167, and in their "Official Circular," vol. 1, p. 124.

With regard to the mode of paying and charging the expenses, the Poor Law Commissioners, in a circular letter dated 17th September, 1840 (see their Seventh Annual Report, 1841, p. 161, and their "Official Circular," 10th November, 1840, p. 124), expressed their opinion that in the case of a union the common fund was not applicable to this purpose, but that the guardians should pay out of the separate funds, and charge to the separate account of each parish, the remuneration payable to the vaccinator in respect of the successful vaccination of persons resident in such parish at the time of vaccination. This view was adopted by the Poor Law Board; and, it is believed, was invariably acted upon by the guardians of the several unions. It was not in any way affected by the subsequent statutes, which rendered the relief of irremovable and certain other paupers a charge upon the common fund, inasmuch as it was expressly declared by the present Act (s. 2), that vaccination was not relief. It was afterwards, however, provided by the "Union Chargeability Act, 1865" (28 and 29 Vict., c. 79, *ante*, p. 37), which was passed on 29th June, 1865, that all the charges incurred by the guardians of a union in respect of vaccination should be charged upon the common fund.

(*t*) It had been considered by some authorities that gratuitous vaccination was a species of relief, though the Poor Law Commissioners expressed a contrary opinion. See their Minute, dated 25th September, 1840, in their Seventh Annual Report, p. 166; and see also 1 "Official Circular," p. 122.

## 16 AND 17 VICT., C. 100. (*u*)

An Act to extend and make compulsory the Practice of Vaccination.

*20th August*, 1853.

3 and 4 Vict., c. 29.

4 and 5 Vict., c. 32.

WHEREAS an Act was passed in the fourth year of the reign of Her present Majesty, intituled "*An Act to extend the Practice of Vaccination:*" And whereas an Act was passed in the fifth year of the same reign, intituled "*An Act to amend an Act to extend the Practice of Vaccination:*" And whereas it is expedient that the practice of vaccination should be still further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Parishes or unions to be divided into districts for the purpose of vaccination, and places appointed for the perform-

1. Within six weeks after the passing of this Act the guardians of every parish or union, and the overseers of every parish in which relief to the poor shall not be administered by guardians, in *England* and *Wales*, shall, subject to the approval of the Poor Law Board, divide such parish or union, if need be, into convenient districts, (*v*) for the purpose of affording increased facilities for the vaccination of the poor, (*w*)

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(*u*) With regard to the repeal of this Act, see 30 and 31 Vict., c. 84, s. 1, *ante*.

(*v*) Although under this Act the vaccinator contracted to vaccinate in a particular district of the union, it was competent for him to vaccinate any person or child resident in the union, though not resident in his particular district, and to recover a fee from the guardians for such vaccination under the terms of his contract; but the Poor Law Board considered that it was not desirable that he should induce or encourage persons residing out of his district to come to him, or to bring their children to him for that purpose; and now see the enactment on this point in sec. 11 of the Act of 1867, *ante*.

(*w*) Although the Act thus referred to "increased facilities for the vaccination of the *poor*," its provisions were not confined to the poor, but extended to all classes, as appears clearly from the subsequent expressions, "*all* persons," *every* child,"

and shall appoint a convenient place in each such district for the performance of such vaccination, (*x*) and shall take the most effectual means for giving from time to time to all persons resident within such district due notice of the days and hours at which the medical officer or practitioner contracted with for such purpose will attend at such place to vaccinate all persons (*y*) not already successfully vaccinated who may then appear there, and also all the days and hours at which such medical officer or practitioner will attend at such place

ance of vaccination.

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&c. By the 4 and 5 Vict., c. 32, s. 2, *ante*, it was expressly declared that public vaccination was not to be regarded as parochial relief.

(*x*) This required that there should be a station in each district. The Poor Law Board expressed the opinion that the expense of the vaccination stations should be charged to the common fund of the union. See also 28 and 29 Vict., c. 79, s. 1, *ante*, p. 37.

(*y*) According to the form of contract prescribed by the Poor Law Board, the vaccinator under this Act undertook to vaccinate "every person resident in the union" who should apply to or be brought to him for that purpose; and the guardians undertook to pay him "for every person so resident as aforesaid" who should have been successfully vaccinated by him, and duly entered in his register. The Poor Law Board expressed the opinion that, although the vaccinator was not bound to enter in the register the names of his private patients, yet, if in fact he did so, his right to be paid by the guardians for the successful vaccination of such patients was established by the contract, since every person, of whatever grade or condition in life, might take his child to the public vaccinator to be vaccinated; the provisions of the Vaccination Acts not being confined to the poor, but extended to all classes of persons resident within the union. See now, however, the provision on this point in s. 22 of the Act of 1867, *ante*. Moreover, there was no limitation as to age; for any person, of whatever age, might obtain the benefit of the public vaccination, although the compulsory provisions of s. 2 of this Act referred only to the vaccination of children. Nor did it appear to be material as regards the vaccinator's legal claim to the fee in accordance with the contract, whether the person vaccinated (whether child or adult) had or had not been previously vaccinated, provided that the operation, on the occasion in question, had been successful; but now express provision is made upon this point by s. 8 of the Act of 1867, *ante*.

to inspect the progress of such vaccination in the persons so vaccinated.

Parents and guardians of children born after 1st August, 1853, to have such children vaccinated within three or four months after birth.

II. The father or mother of every child born in *England* or *Wales* after the first day of August in the year of our Lord one thousand eight hundred and fifty-three, shall within three calendar months after the birth of the said child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who shall have the care, nurture, or custody of the said child, shall within four calendar months after the birth of such child take or cause to be taken the said child to the medical officer or practitioner appointed in the union or parish in which the said child is resident according to the provisions of the first recited Act for the purpose of being vaccinated, unless he (*z*) shall have been previously vaccinated, by some duly qualified medical practitioner, (*a*) and the vaccination duly certified, and the said medical officer or practitioner so appointed shall and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate the said child.

Children to

III. Upon the eighth day (*b*) following the day on which any

(*z*) There was no interpretation clause in this Act; but the 3 and 4 Vict., c. 29, was directed (s. 9) to be interpreted in the same manner as the 4 and 5 Wm. 4, c. 76; and no doubt the same rule would apply here. At all events, the word "he," as used in s. 2, must have included a girl as well as a boy, having regard to the scope and tenor of the clause, as well as of the Act generally. See 13 Vict., c. 21, s. 4. In the Act of 1867, the pronoun "it" is used instead; see 30 and 31 Vict., c. 84, ss. 16, 17, and others.

(*a*) See note (*c*) *ante*, p. 81.

(*b*) According to the strict wording of this clause, it might have seemed that, if the child were vaccinated on the first day of any month, the inspection should take place on the ninth day of that month; but according to medical practice it ought (apparently) to take place on the eighth day of the month. The interpretation given by the Registrar-General to the language here employed was in conformity with the medical practice. In the directions for filling up the form of notice to be issued by Registrars, he stated:—"The day of vaccination is to be reckoned as one of the eight: therefore, if the child be vaccinated on a Monday, it must be taken to the medical officer for inspection on the Monday following." This is now expressly so provided by the Act of 1867; see 30 and 31 Vict., c. 84, s. 17, *ante*.

child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture, or custody of the said child, shall again take or cause to be taken the said child to the medical officer or practitioner by whom the operation was performed, in order that such medical officer or practitioner may ascertain by inspection the result of such operation.

be taken for inspection by medical officer on eighth day after the operation.

IV. Upon and immediately after the successful vaccination of any child the medical officer or practitioner who shall have performed the operation shall deliver to the father or mother of the said child, or to the person who shall have the care, nurture, or custody of the said child, a certificate (*c*) under his hand, according to the form of schedule hereinafter inserted, marked (A), that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the registrar of births and deaths of the sub-district in which the operation was performed; (*d*) and such certificate (*c*) shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother of the said child, or against the person who shall have had the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act. (*e*)

Certificate of successful vaccination to be delivered.

V. If any medical officer or practitioner shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated, he shall thereupon and immediately deliver, without fee or reward, to the father or mother of such child, or the person having the care, nurture or custody of the said child, a certificate (*c*) under his hand according to the form of schedule hereinafter inserted, marked (B), that the child is in an unfit state for successful vaccination, and

If the child be not in a fit state for vaccination, the medical officer to deliver a certificate to that effect, to be in force for two months.

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(*c*) See "the Medical Act," 21 and 22 Vict., c. 90, s. 37, which enacts that "no certificate required by any Act now in force, or that may hereafter be passed, from any physician, surgeon, licentiate in medicine or surgery, or other medical practitioner, shall be valid, unless the person signing the same be registered under this Act."

(*d*) See s. 8, *post;* and s. 10, *post.*

(*e*) See s. 9, *post.*

such certificate(*f*) shall remain in force for two calendar months from its delivery as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child, shall, unless they shall within each succeeding period of two months have obtained from a medical officer or practitioner a renewal of such certificate, (*f*) within two months next after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two calendar months until such child has been successfully vaccinated, take or cause to be taken to the said medical officer or practitioner such child to be vaccinated by him; and if the said medical officer or practitioner deem the said child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall deliver to the father or mother of such child, or person having the care, nurture or custody of such child, a certificate (*f*) under his hand according to the form of schedule hereinafter inserted, marked (A), that such child has been successfully vaccinated; but if the said medical officer or practitioner be of opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or person having the care, nurture or custody of the said child, a certificate, (*f*) under his hand, according to the said form of Schedule (B), that the child is still in an unfit state for successful vaccination; and the said medical officer or practitioner, so long as such child remains in an unfit state for vaccination, and unvaccinated, shall at the expiration of every succeeding period of two calendar months, deliver, if required, to the said father or mother of such child, or person having the care, nurture or custody of such child, a fresh certificate, (*f*) under his hand according to the said form of schedule; and the production of such certificate (*f*) shall be a sufficient defence against any complaint which shall be brought against the said father and mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. (*g*)

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(*f*) See note (*c*) to s. 4, *ante*.
(*g*) See s. 9, *post*.

Rates of payment for vaccination in contracts by guardians or overseers.

VI. In all contracts to be hereafter made under the provisions of the first-recited Act by any guardians or overseers of the poor with any medical officers or practitioners for the vaccination of the persons resident in their respective unions or parishes, the sums contracted to be paid (*h*) shall not be less than the following rates; that is to say, for every person (*i*) successfully vaccinated at the residence (*j*) of such medical officer or practitioner, or within two miles therefrom by the nearest public road, a sum not less than one shilling and sixpence, and for every person (*i*) successfully vaccinated at any place more than two miles distant (*k*) from such residence, (*j*) any sum not less than two shillings and sixpence.

Child's incapacity to receive the vaccine disease to be certified.

VII. In the event of any medical practitioner acting under the provisions of this Act being of opinion that any child that has been vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or person having the care, nurture or custody of such child, a certificate (*l*) under his hand according to the form of schedule hereinafter inserted marked (D); and the production of such certificate (*l*) shall be a sufficient defence against any complaint which may be brought against the said father, mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. (*m*)

VIII. The registrar of births and deaths in every sub-dis-

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(*h*) The Poor Law Commissioners expressed the opinion that by the terms of 5 and 6 Vict., c. 57, s. 14, a public vaccinator in any union or parish would be disqualified by the receipt of the payments under his contract for serving as a guardian of such union or parish. ("Official Circular," November 30, 1843, vol. 3, p. 148.)

(*i*) See notes on s. 1, *ante*.

(*j*) The word "residence" seems to have been used here in its ordinary sense, as referring to the usual home, abode, or dwelling of the medical man; and does not appear to have included a surgery or other place at which he might merely attend daily, or otherwise for the sole purpose of exercising his profession.

(*k*) This distance was, of course, to be measured, as before, "by the nearest public road."

(*l*) See note (*c*) to s. 4, *ante*.

(*m*) See s. 9, *post*.

Registrars of births and deaths to keep a register of cases of successful vaccination, of which searches and extracts may be made.

trict in which the operation has been performed shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as above provided(*n*) by the said medical officer or practitioner, and shall at all reasonable times allow searches to be made of any such register book in his keeping, and shall give a copy, certified under his hand, of any entry or entries in the same, on payment of the fee of one shilling for each search, and sixpence for each certificate.

Notice to be given of the requirement of vaccination, and on failure of parent or guardian to comply therewith, penalty.

IX. The registrar of births and deaths in every sub-district shall, on or within seven days after the registration of the birth of any child not already vaccinated within the said sub-district, give notice in writing in manner hereinafter directed, and according to the form of schedule hereinafter inserted, marked (C), to the father or mother of such child, or in the event of the death, illness, absence, or inability, from sickness or otherwise, of the father and mother, then to the person upon whom the care, nurture or custody of such child shall have devolved, that it is the duty of such father or mother, or person having the care, nurture or custody of such child as aforesaid, to take care that the said child shall be vaccinated in the manner directed by this Act, and shall together therewith deliver to such person a notice of the days, hours, and places within the district of such registrar at which the medical officer or practitioner as hereinbefore provided will attend for the purpose of vaccination; and if after such notice the father or mother of the said child, or the person so having as aforesaid the care, nurture or custody of the said child, shall not cause such child to be vaccinated, or shall not on the eighth day after the vaccination has been performed take or cause to be taken such child for inspection according to the provisions in this Act respectively contained, then such father(*o*) or mother,(*o*) or person having the care, nurture or custody of such child as afore-

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(*n*) See s. 4, *ante*.

(*o*) The Poor Law Commissioners expressed the opinion that the guardians would not be justified in withholding relief from paupers having children who have not been vaccinated, as a means of compelling them to have their children vaccinated. ("Official Circular," July 1, 1845, vol. 5, p. 112.)

said, so offending, shall forfeit a sum not exceeding twenty shillings. (*p*)

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(*p*) Sec 24 and 25 Vict., c. 59, *post*. It was held under this statute that a parent could not be convicted a second time for neglecting to have a child vaccinated: *Pilcher* v. *Stafford*, 33 L. J. (N.S.), M. C. 113, 9 L. T. (N.S.) 749. The following report of this case is taken from *Knight's Official Advertiser* (February 15, 1864):—

COURT OF QUEEN'S BENCH,

*January* 27, 1864.

PILCHER (APPELLANT) *v.* STAFFORD (RESPONDENT).

This was a case stated for the opinion of the Court under the 20 and 21 Vict., c. 43. At a petty session held at Margate on the 25th of November, 1863, an information was preferred by Charles Pilcher, registrar of births and deaths, and the person appointed by the guardians of the Isle of Thanet Union, pursuant to the 24 and 25 Vict., c. 59, to institute proceedings for the purpose of enforcing obedience to the Vaccination Acts, against William G. Stafford, of Margate, shoemaker, alleging that he, being the father of a certain child called Albert Alfred Kennett Stafford, born on the 16th of July, 1862, unlawfully did not, within three calendar months after the birth of the said child, take or cause to be taken the said child, which had not been previously vaccinated by a duly qualified medical practitioner, to one of the medical officers duly appointed in that behalf in Margate, for the purpose of being vaccinated according to the provisions of the Act 16 and 17 Vict., c. 100. At the hearing it was proved that proper notice had been given to the respondent by the registrar, pursuant to the 9th section of the 16 and 17 Vict., c. 100, within seven days after the registration of the birth of the child, and that he had failed to have the child vaccinated within the three months allowed by section 2 of the Act; and it was admitted by him that the child had not even at the time of the hearing been vaccinated. The respondent then stated, and the fact was admitted by the appellant, that the respondent had already been previously convicted by certain justices, on the 18th of February, 1863, upon a similar information laid by the said appellant against him, for not having the child vaccinated, and that he was then fined and subsequently paid 2*s*. 6*d*. for penalty, and 9*s*. 6d. for costs. He therefore contended that he could not again be punished for the same offence. In reply to this objection, the appellant referred to the concluding words of the 24 and 25 Vict., c. 59, s. 2, viz., "and proceedings for en-

Fee to registrar.

X. A fee of threepence shall be paid to such registrar for each child vaccinated in respect of which he shall have per-

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forcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default," and submitted that it was the manifest intention of the Legislature, by a series of Acts, to make vaccination compulsory, and that the words "at any time" must be construed to mean that a parent so in default might be convicted again and again, until he obeyed the directions of the statute; and he produced an opinion emanating from the vaccination department of the Privy Council in support of his view. The justices, however, held that the respondent having been previously convicted for the same offence, a second conviction could not take place, as the common law principle, that no man ought to be punished twice for one and the same offence, must prevail in the absence of any express legislative enactment to the contrary, and that the words "at any time" must be construed strictly, and are not sufficient to embrace the view contended for by the appellant, they appearing to be directed to the object of preventing the limitation of six months for proceeding summarily prescribed by Jervis's Act, 11 and 12 Vict., c. 43, which is incorporated in the Vaccination Act, commencing to run. The justices accordingly dismissed the information, but on application stated a case for the opinion of this Court.

Lord Chief Justice COCKBURN:—I think the magistrates were right in refusing to convict a second time. The Act requires that the registrar of births and deaths shall on or within seven days after the registration of the birth of any child give to the father or mother, or in the event of the death, illness, absence, or inability from sickness or otherwise of the father or mother, then to the person upon whom the care or custody of the child devolves, notice that the child must be vaccinated within the period prescribed by the Act, and if the child is not vaccinated within such period the offence is complete. There is no provision for a second notice by the registrar, and the Act does not meet the case of a continuance of neglect. If any other construction were admissible, a new offence would be repeated every day that the child remained unvaccinated. The continuous omission may be as much within the mischief intended as the failure to have the child vaccinated within the prescribed time, but it certainly is not met by the statute. This, however, can only be remedied by fresh legislation. The judgment must be for the respondent. *Judgment accordingly.*

formed the duties required in this Act;(*q*) and he shall keep a book,(*r*) to be provided as hereinafter directed,(*r*) containing a minute of his having duly given such notice as hereinbefore directed; and the said fee shall be payable in the same manner as the fee now payable to such registrar for registering the birth of such child as aforesaid is paid.(*s*)

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(*q*) It will be seen that this section did not apply to adults.

(*r*) See s. 11, *post*.

When the certificate was duly sent to the registrar, a difficulty as to his claim to the fee was sometimes felt if the child was born and the birth registered and the notice of the necessity of vaccination given to the parents in one district, whilst the vaccination was performed and certified and registered in another district. Each of the registrars performed all the duties required *of him*, though neither performed all the duties required by the Act; and the question arose whether the fee of threepence was to be paid to each, or to neither (see 27 J. P. 708). The Poor Law Board expressed their opinion that neither of the registrars was entitled to the fee, as the statute made no express provision for the payment in such a case, where the prescribed duties were performed partly by one registrar and partly by another. According to this view, the fee was only payable in those cases in which all the prescribed duties were performed by the same registrar.

(*s*) It is enacted by 6 and 7 Wm. 4, c. 86, s. 29:—"That every registrar shall make out an account four times in every year of the number of births and deaths which he shall have registered since the last quarterly account, and the superintendent registrar shall verify and sign the same; and the guardians or overseers of the parish, township or place in or for which he shall be registrar, on production of the said account so verified and signed, shall pay to the said registrar out of the monies in their hands or power as such guardians or overseers such sum as he shall be entitled to receive on the said account; . . . . and in the case of a union the said several sums shall be charged to the account of the parishes in which such births or deaths respectively shall have occurred."

The direction in 6 and 7 Wm. 4, c. 86, s. 29, making the fees a parochial charge, was superseded by 28 and 29 Vict., c. 79, s. 1, *ante*, p. 37, which provides that, from and after 25th March, 1866, all charges thenceforth incurred by the guardians of any union formed under 4 and 5 Wm. 4, c. 76, in respect of vaccination and registration fees and expenses, shall be charged upon the common fund.

Registrar-General to provide books and forms for carrying out the provisions of this Act.

XI. The Registrar-General for *England* and *Wales* shall, and he is empowered and directed, within two months after the passing of this Act, to frame and provide such books, forms, and regulations as he may deem requisite for carrying into full effect the provisions of this Act, [and shall transmit the same to the superintendent-registrars of each district in *England* and *Wales*, who shall deliver to the medical officers so appointed as aforesaid, and other duly qualified medical practitioners in the said district, such of the said books, forms, and regulations as they may require for the performance of the duties imposed upon them by this Act; and the expenses to be incurred by the Registrar-General under the provisions of this Act shall be defrayed in the same manner as the expenses under the Act of the sixth and seventh years of King William the Fourth, chapter eighty-five.] (*t*)

Recovery of penalties.

XII. All penalties by this Act imposed shall be recoverable before any two justices of the peace for the county, city, borough or place where the offence may have been committed; and the provisions of the Act of the twelfth year of her present Majesty, chapter forty-three, shall be applicable to the recovery of such penalties. (*u*)

Application of penalties.

XIII. All penalties recovered under this Act shall be applied in aid of the funds applicable to the relief of the poor in the parish or place maintaining its own poor wherein the offence may have been committed. (*u*)

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(*t*) The part within brackets was repealed, and another provision made by 21 Vict., c. 25, s. 7, *post*.

(*u*) See 24 and 25 Vict., c. 59, *post*.

## SCHEDULES REFERRED TO BY THIS ACT.

### SCHEDULE (A). (*a*)

I, the undersigned, hereby certify that the child of aged of the parish of in the county of has been successfully vaccinated by me.

Dated this day of 18

(signed) *A.B.*

Surgeon of the union *or* parish (*or other medical practitioner, as the case may be*).

### SCHEDULE (B). (*b*)

I, the undersigned, hereby certify that I am of opinion that the child of of the parish of in the county of aged is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of

Dated this day of 18

(signed) *A.B.*

Surgeon of the union *or* parish (*or other medical practitioner, as the case may be*).

### SCHEDULE (C). (*c*)

I, the undersigned, hereby give you notice, and require you to have *C. D.* vaccinated within three (or four, *as the case may be, according to the second section of this Act,*) months after the birth, pursuant to the provisions and directions of the Act of the 16 Victoria, cap. . As witness my hand this day of 18

*J.B.*

Registrar of births and deaths for the sub-district (*as the case may be*).

### SCHEDULE (D). (*d*)

I, the undersigned, hereby certify that I am of opinion that the child of of the parish of in the county of is insusceptible of the vaccine disease.

Dated this day of 18

Signed *A.B.*, surgeon of the union *or* parish of (*or other medical practitioner, as the case may be*).

(*a*) See s. 4, *ante*, and s. 5, *ante*. (*b*) See s. 5, *ante*.
(*c*) See s. 9, *ante*. (*d*) See s. 7, *ante*.

21 Vict., c. 25. (*c*)

An Act to amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in *England*, and concerning Vaccination.

14*th June*, 1858.

So much of 16 and 17 Vict., c. 100, as enacts that vaccination forms shall be furnished to registrars and delivered by them to medical officers and practitioners repealed.

VII. And whereas by the Act of the session holden in the sixteenth and seventeenth years of Her Majesty, chapter one hundred, (*f*) it was enacted that the said Registrar-General should within two months after the passing of that Act frame and provide such books, forms, and regulations, as he might deem requisite for carrying into full effect the provisions of that Act, and should transmit the same to the superintendent-registrars of each district in *England* and *Wales*, who should deliver to the medical officers appointed as in the said Act mentioned and other duly qualified medical practitioners in the said district, such of the books, forms, and regulations as they might require for the performance of the duties imposed upon them by that Act, and the expenses to be incurred by the Registrar-General under the provisions of that Act should be defrayed in the same manner as the expenses under the said Act of the sixth and seventh years of King William the Fourth, chapter eighty-five:

The said enactment, except so much thereof as directs the Registrar-General to frame and provide such books, forms, and regulations as therein mentioned, shall be repealed; and the Registrar-General shall transmit from time to time to the registrar of births and deaths in every sub-district such books, forms, and regulations as may be requisite for the use of the medical officers appointed as in the said Act mentioned, and other duly qualified medical practitioners in the sub-district; and every such registrar shall deliver to such medical officers and practitioners respectively, without requiring payment for the same, such of the said books, forms, and regulations, as they may require for the performance of the duties imposed upon them by that Act.

Registrars to deliver books, &c., to medical officers, &c., without requiring payment for the same.

(*c*) With regard to the repeal of this enactment, see 30 and 31 Vict., c. 84, s. 1, *ante*, p. 25.

(*f*) See 16 and 17 Vict., c. 100, s. 11, *ante*.

## 21 AND 22 VICT., C. 97.

An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.

*2nd August*, 1858.

WHEREAS under an Act of the last session of Parliament, chapter thirty-eight, the General Board of Health stands continued only until the first day of September, one thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain powers now vested in the said General Board of Health, and certain other powers for the protection of the public health: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:— 20 and 21 Vict., c. 38.

I. In addition to the powers vested in Her Majesty's most honourable Privy Council for the protection of the public health, all powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the discontinuance of the said Board, be vested in the said Privy Council, and the provisions of the said Act having reference to the General Board of Health and the regulations and directions issued by them, except section thirteen, shall be construed as referring to such Privy Council and the regulations and directions issued by them. Powers General Board of Health under 18 and 19 Vict., c. 116, added to those of the Privy Council.

II. (*g*) The Privy Council may from time to time issue such regulations as they think fit for securing the due qualification of persons to be hereafter contracted with by guardians and overseers of unions and parishes in *England* (*h*) for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or hereafter to be contracted with as aforesaid; (*i*) and any money from time to time provided by Par- Certain powers in relation to public vaccination vested in Privy Council.

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(*g*) With regard to the repeal of this section, see 30 and 31 Vict., c. 84, s. 1, *ante*.

(*h*) This includes *Wales;* see note (*b*), *ante*, p. 31.

(*i*) On 14th March, 1859, the Privy Council issued regulations on this subject, which, however, were superseded by the subsequent regulations issued on 1st December, 1859. See the *London Gazette*, Supplement, Tuesday, 6th December, 1859.

liament for or towards defraying the expenses of the National Vaccine Establishment, or otherwise providing for the supply of vaccine lymph, shall be applied under the directions of the Privy Council.

Privy Council may direct inquiries.

III. The Privy Council may from time to time cause to be made such inquiries as they see fit in relation to any matters concerning the public health in any place or places, and to the observance of the regulations and directions issued by them under this Act.

IV. [*Not repealed: see ante, p.* 79.]

Medical officer to report annually as to the execution of this Act.

V. The medical officer shall from time to time report to the Privy Council in relation to any matters concerning the public health or such matters as may be referred to him for that purpose, and shall, on or before the month of *March* in each year, report to the Privy Council the proceedings had and taken under this Act during the preceding year ending on the thirty-first day of *December*.

Reports to be laid before Parliament.

VI. The annual report made by the medical officer as aforesaid shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be sitting, and if not, then within fourteen days after the next meeting of Parliament, together with all other reports made by him under this Act, during the period to which such annual report relates.

VII. [*Not repealed: see ante, p.* 61.]

Proceedings for penalties under Vaccination Acts.

VIII. Proceedings for penalties under the Acts for the time being in force on the subject of vaccination may be taken on the complaint of any registrar employed for the registration of births, deaths, and marriages, public vaccinator or officer authorized by the Board of Guardians or by the Overseers respectively, and the cost of such proceedings shall be defrayed out of the common fund of the union or out of the poor rates of any parish not included in a union. (*j*)

Short title and continuance of Act.

IX. This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the first day of *August* one thousand eight hundred and fifty-nine. (*k*)

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(*j*) Repealed by 22 and 23 Vict., c. 3, *post*. But see also the subsequent Act, 24 and 25 Vict., c. 59, *post*.

(*k*) See 22 and 23 Vict., c. 3, *post*.

## 22 AND 23 VICT., C. 3.

### An Act to amend and make perpetual "The Public Health Act, 1858."

1st *August*, 1859.

WHEREAS an Act was passed in the session holden in the twenty-first and twenty-second years of Her Majesty (chapter ninety-seven), "for vesting in the Privy Council certain powers for the Protection of the Public Health," which Act was to be in force only until the first day of *August* one thousand eight hundred and fifty-nine; and it is expedient that section eight of the said Act should be repealed, and that, except such section, the said Act should be made perpetual: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 21 and 22 Vict., c. 97.

Section eight of the said Act shall be repealed, (*l*) and except the said section, the said Act shall be and the same is hereby made perpetual. (*m*) Act made perpetual except s. 8.

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## 24 AND 25 VICT., C. 59. (*n*)

### An Act to facilitate Proceedings before Justices under the Acts relating to Vaccination.

1*st August*, 1861.

WHEREAS it is expedient to make further provisions in relation to proceedings before Justices under the following Acts; that is to say:—

An Act passed in the session holden in the third and fourth years of the reign of Her present Majesty, chapter twenty-nine, intituled—*An Act to extend the Practice of Vaccination:* 3 and 4 Vict. c. 29.

An Act passed in the session holden in the fourth and fifth years of the reign of Her present Majesty, chapter thirty-two, intituled—*An Act to amend an Act to extend the Practice of Vaccination:* 4 and 5 Vict. c. 32

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(*l*) But see the subsequent Act, 24 and 25 Vict., c. 59, *post.*

(*m*) But now see 34 and 35 Vict., c. 70, by which ss. 1, 3, 5, and 6 of 21 and 22 Vict., c. 97, are repealed.

(*n*) With regard to the repeal of this Act, see 30 and 31 Vict., c. 84, s. 1, *ante.*

16 and 17 Vict., c. 100

An Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred, intituled—*An Act further to extend and make Compulsory the Practice of Vaccination:* (*o*)

Be it enacted by the Queen's most Exeellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

I. This Act may be cited for all purposes as "The Vaccination Acts Amendment Act, 1861."

As to institution of legal proceedings and payment of expenses of the same.

II. The guardians of any union or parish, or the overseers of any parish where the relief of the poor is not administered by guardians, may appoint some person (*p*) to institute and conduct proceedings for the purpose of enforcing obedience to the said Acts, or any of them, within their union or parish; and as to all expenses incurred by any person so appointed, or by any registrar of births and deaths, or by any medical officer of health appointed under an Act of Parliament, in proceedings for enforcing penalties under the said Acts, or any of them, if the justices or court before whom such proceedings are had certify that such expenses ought to be allowed, such court or justices shall ascertain the amount thereof, (*q*) and such amount shall be payable out of the rates for the relief of the poor of the parish where the person for the time being dwells in respect of whose default or offence the same were instituted; (*r*) and the court of justices shall ascertain the amount of such expenses. (*q*) And proceedings for enforcing penalties under any of the said Acts, on account of neglect to have a child vaccinated, may be taken at any time during which the parent or guardian is in default. (*s*)

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(*o*) See also 21 and 22 Vict., c. 97, s. 8, *ante*, which was repealed by 22 and 23 Vict., c. 3, *ante*, and see the "Official Circular," February 2, 1856, vol. 6, p. 30.

(*p*) The guardians were not empowered by this Act to pay any salary or other remuneration to the person so appointed.

(*q*) It will be seen that there is a repetition here.

(*r*) It will be observed that the costs were to be charged to the parish of the offender's residence, and not to the common fund of the union, where the parish was within a union.

(*s*) See *Pilcher* v. *Stafford*, 33 L. J. (N.S.) M. C. 113, 9 L. T. (N.S.) 759, and *ante*, p. 93.

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## Appendix (B).

### I. POOR LAW BOARD AND PRIVY COUNCIL.

### 1. *Circular issued by the Poor Law Board, 31st December, 1867, relating to* 30 and 31 Vict., c. 84.

Poor Law Board, Whitehall, S.W.,
31*st December*, 1867.

Sir,

I am directed by the Poor Law Board to bring before the Guardians such provisions of the Vaccination Act passed in the last session of Parliament as relate to them.

The Act comes into operation on the 1st day of next month.

From and after that day all previous Acts relating to vaccination are repealed, except in regard to divisions and districts of unions and parishes previously made, all contracts entered into under previous statutes then in force, all acts and proceedings commenced under them, but not completed, and all liabilities and responsibilities incurred under them. All these matters are to remain in full force notwithstanding the repeal of the Acts.

But the new Act proceeds to provide that the guardians of every union or parish, where the same shall not have been divided into districts for the purpose of vaccination, shall (unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a vaccination district) forthwith divide their union or parish into districts for vaccination.

This provision applies to those unions or parishes where at present there has been no division into districts.

But when the Poor Law Board shall, by their order, require any districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same.

This provision applies as well to unions and parishes where districts have been already made, as to cases which may arise hereafter.

The guardians, however, shall, in every case of division, consolidation, or alteration, report their proposal to the Poor Law Board, for their approval.

Again, the guardians may of their own motion, but with the like approval, from time to time, as they shall find it requisite, alter the districts formed for the purpose of vaccination.

Such are the provisions of the second section.

If the Board disapprove of the proposal, the guardians must proceed to form another, until the Board approve.

When the proposal is approved, the guardians are required to enter into a contract with some duly registered medical practitioner for the performance of vaccination of all persons resident *within each district* (not, as heretofore, *within the union*).

Such medical practitioner is to be termed "The Public Vaccinator" of the district.

And as and when the existing contracts shall determine, the guardians shall enter into others with such modifications as the circumstances shall render necessary, subject to the approval of the Poor Law Board.

Such are the provisions of section 3.

The previous contracts have been framed in conformity with a General Order issued by the Poor Law Board, and dated November 30, 1853. The Board are about to rescind that General Order and issue another in conformity with the provisions of this Act.

Section 4 provides that no person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore prescribed by the Privy Council, or such as shall be from time to time hereafter prescribed by them, except when such Lords shall, upon sufficient cause, sanction any departure from their directions.

The regulations now in force relating to the qualification of public vaccinators and their deputies are contained in the Order of the Privy Council, dated the 1st day of December, 1859, which was circulated among all boards of guardians at the time when it was issued.

The section proceeds to enact that all such regulations as the said Lords have heretofore made or shall hereafter make to secure the efficient performance of vaccination, or the provision and supply of vaccine lymph by the public vaccinator, and all such directions or regulations as they may issue in relation to small-pox, shall be duly observed by the several persons to whom they apply.

In the Order of the Privy Council above referred to will be found certain regulations on this subject, and certain instructions for the vaccinators engaged under the contracts accompanied the Order.

Section 5 empowers the Privy Council to make extra payments to public vaccinators for efficient vaccination.

In section 6 a new scale of fees is prescribed for vaccination, in lieu of those prescribed by the previous Act.

It is now provided that every contract shall provide for payment in respect only of the successful vaccinations of persons; and it is enacted that the rate of payment for *primary vaccinations* shall not be less than according to the following scale:—

For every such vaccination done at an appointed station

situated at or within *one* mile from the *residence* of the vaccinator, *or* in the workhouse, not less than one shilling and sixpence;

At any station over *one* mile and under *two* miles distant from his residence, not less than two shillings;

At any station over *two* miles, not less than three shillings.

These distances are to be measured according to the nearest *public carriage* road.

In regard to vaccinations performed elsewhere than at a station or in the workhouse, the payment shall be according to the terms specified in the contract as approved by the Poor Law Board.

The Board understand this change to apply to contracts to be made after this Act comes into operation, and consequently it will be open to the guardians, and to the medical practitioners with whom they have contracted, forthwith to determine the contract when the fees are below the scale above set forth, and to enter into a new one.

The guardians are required by section 7, with the consent of the Poor Law Board, to make stipulations and conditions in their contracts to secure the due vaccination of persons, the observance of the provisions of that Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of the Act by the public vaccinator.

Hitherto it was considered that, as the previous Act required the payments to be made as therein specified, the guardians could not modify the mode of making the payments by imposing any conditions. Henceforth this difficulty will be removed.

The guardians are by this clause required to provide all the vaccination stations other than the surgery or residence of the public vaccinator.

The Act then provides for *Re-vaccination*, a subject upon which much dissatisfaction has often been expressed.

After the 31st instant, the provisions of the existing contracts shall not apply to the cases of persons re-vaccinated. But the guardians shall pay, in respect of every case of successful re-vaccination performed in conformity with the regulations of the Privy Council in respect thereof, a sum amounting to two-thirds of the fee payable for successful primary vaccination.

The Privy Council, as the guardians will remember, have already issued regulations on the subject of re-vaccination.

By section 9 no contract for vaccination will be valid until approved of by this Board, who may at any time determine a contract which may have been approved of.

Section 10 renders the payment out of the common fund of the union or the poor rate, or any such public or parochial fund, on account of vaccination, illegal, if this Board have not approved of the contract for its performance.

Section 11 removes a cause of much dissatisfaction in many persons by prohibiting a public vaccinator from being paid for

the vaccination or re-vaccination of any child or other person resident out of his district.

There are, however, three exceptions:—

1. Where there is a vacancy in the office of vaccinator in the adjoining district.
2. Where the vaccinator therein makes default, and the guardians give the vaccinator of the adjoining district notice thereof in writing.
3. When a relieving officer of his union or parish shall in writing refer any child to him for vaccination.

The circumstances of some unions are so peculiar that it has been found difficult to make such arrangements for the performance of vaccination therein as would be in conformity with the general provisions of the previous Acts; and this difficulty has been removed by the enactment of section 12, which enables the guardians, with the consent of the Poor Law Board, to provide in districts where the population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months.

The 13th section requires the guardians to give public notice of every alteration which they make of the district or in the local arrangements for vaccination, by printed papers affixed in the district affected by such alteration, for *one month* prior to the alteration taking effect.

The Registrar-General for England and Wales is required to provide all the requisite books and forms to be used under the Act.

A series of sections, from 15 to 23 inclusive, provide for the vaccination of children, by notice from the registrar on the registration of the birth; by compulsory injunction upon the parent or other person having the custody of any child to have the vaccination performed; by requiring inspection, after an interval, of the vaccination performed; by making provisions for cases where the child is temporarily unfit for vaccination, and where it is insusceptible of successful vaccination; by requiring certificates of successful vaccination to be transmitted to the registrar of births in the district where the birth was registered, or otherwise to the registrar of the district in which the operation was performed; and by requiring the transmission of the certificate by the parent, or such other person as above referred to, in cases where the vaccination has been performed by a medical practitioner not being the public vaccinator.

The vaccination by the public vaccinator and the giving of any certificate or duplicate certificate by him are to be *gratuitous*, so far as regards the person vaccinated, or his parent or guardian. The public vaccinator is prohibited from being paid by the guardians, under his contract, for any vaccination for which he shall have been paid by any other person, and if he be paid under his

contract he shall not recover payment for the vaccination from any other person. Section 22.

Every registrar is required to keep a book in which he is to enter minutes of notices given by him, and to register the certificates transmitted to him; he is to allow searches and give copies on demand, on payment of a fee of *sixpence* for each search, and *threepence* for each copy.

He is to receive a fee of *one penny* in respect of each registered child in respect of which he shall have given the notice above referred to, and another fee of *threepence* in respect of every such child whose certificate of successful vaccination he shall have registered, and a fee of *one penny* where he shall register the certificate, not having registered the birth.

No fee is to be paid for searches made by any officer of the guardians authorized by them or by certain other official authorities. Section 24.

He is to make out his account of fees at the usual quarter days of the year, and submit the same to the guardians; and they shall, after examining the same and comparing it with the Register of Successful Vaccinations kept by him, forthwith pay the same. Section 25.

The guardians of unions formed under the Poor Law Amendment Act, 1834, will remember that by the statute 28 and 29 Vict., c. 79, section 1, all charges incurred by them in respect of vaccination are charged upon the common fund of the union.

By section 26 it is declared that vaccination performed by the public vaccinator shall not be deemed parochial relief, so as to operate as a disqualification.

The next (section 27) is a most important clause, and imposes a serious duty upon the guardians.

The registrar of each district shall, within one week after the 1st day of January and the 1st day of July in every year, make a list of all cases in which certificates of vaccination have not been duly received by him during the last preceding half-year, and shall submit the same to the guardians, who shall forthwith make inquiry into the circumstances of the cases contained in the list, and if they find that the provisions of the Act have been neglected, shall cause proceedings to be taken against the persons in default.

This default may consist of the neglect of vaccination, or in the neglect to transmit the certificates of vaccination; and the Board recommend the guardians to draw the attention of the vaccinators with whom they have contracted to this and the subsequent penal clause.

To remove all question as to the power of the guardians to act in this matter with effect, the 28th section enables them to pay all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of small-pox

or vaccination in their union or parish, and in taking measures to prevent the spread of small-pox, and to promote vaccination upon any actual or expected outbreak of that disease therein, and to pay any officer appointed by them to prosecute persons charged with offences against the Act, or otherwise to enforce its provisions.

It will be open to the guardians to determine how far they will, either temporarily or for a permanence, act upon this last provision; but the Board invite their attention to the remarks on this part of the Act contained in the accompanying paper.

Sections 29 and 33 prescribe the penalties to be recovered upon summary convictions upon parents and the persons already referred to who neglect to have the children vaccinated, and upon the public vaccinators and parents respectively who neglect to transmit the certificates in due time, and upon persons who wilfully sign false certificates.

The 31st clause is one of much importance, and requires the special attention of the guardians.

The former provisions of this act have hitherto dealt with children within three months of their birth, requiring them to be vaccinated within that time, and imposing penalties upon persons guilty of neglect during that period, but there is no provision to require vaccination afterwards, though the subsequent vaccination is not prohibited.

The 31st section, however, provides that if any registrar or any officer appointed by the guardians to enforce the provisions of the Act shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen, being within the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place; and upon the appearance, if the justice find that the child has not been vaccinated or had the small-pox, he may make an order directing the child to be vaccinated within a certain time, and upon default the person upon whom the order has been made shall be liable to a penalty of *twenty* shillings.

If the party be improperly brought before the justice, and no order be made, the justice may order compensation to the person to be made for expenses and loss of time.

This clause will enable vaccination of children to be enforced after the period of infancy above adverted to. The guardians, however, will observe that care must be taken that no cases be brought before the justices without previous notice, and without cautious and full investigation.

The 32nd repeats the prohibition contained in previous Acts upon persons who inoculate with small-pox.

Sections 33 and 34 contain provisions regarding the procedure and the evidence in prosecutions, and in section 35 there is an interpretation of certain terms used in the Act.

The schedule to the Act contains the forms of notices and certificates, which, as already noticed, are to be supplied by the Registrar-General, and need not, therefore, be set out here.

In conclusion, I have to state that the Registrar-General, on the 1st ultimo, transmitted a full letter of instructions to the registrars in reference to this Act, and that the Lords of Her Majesty's Council have addressed a communication to this Board, from which the accompanying extracts have been made, and are now transmitted for the perusal of the guardians.

I am, your obedient servant,

W. G. LUMLEY,
*Assistant Secretary.*

*To the Clerk to the Guardians.*

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*(Enclosure.)*

## *Extracts from a Letter from the Medical Department of the Privy Council, addressed to the Poor Law Board, dated December 7th,* 1867.

I.—It seems in their Lordships' opinion important, first of all, to impress very distinctly upon the guardians that now, under section 27 of the Act, they are bound to ascertain at stated intervals whether the Act has or has not been complied with by the parents, &c., of children whose births have been registered within the union, and, in cases of neglect, to take such steps as shall ensure compliance.

For this purpose, as will be seen, lists of persons presumed to be in default are to be delivered half-yearly to the guardians by the registrars of the respective districts in the first week of January and first week of July in each year. The first of these lists will be due in July next; and guardians ought to consider in the meanwhile how the requirements of the Act as to dealing with such lists may best be carried out. It appears to their Lordships that in any district it will be difficult, and in any populous district impossible, for guardians to give full effect to the intention of the Legislature, unless they appoint a paid officer or officers to make the requisite inquiries and to take such further proceedings as the statute requires. The services of such an officer are desirable, moreover, and, in fact, almost indispensable for giving proper effect to section 31. For in most districts there will be found, in larger or smaller numbers, unvaccinated children whose births have escaped registration, unvaccinated

children who have come in from other districts, and (for some time to come) unvaccinated children born before this Act comes into operation; and the duties of a vaccination officer will apply to all these cases. He ought to find them out, to give notice to the parent, &c., requiring the vaccination to be done within a certain period, and to take such further course as may be required to give effect to the section.

My Lords further think that if the Act is to succeed fully according to its intention, every officer appointed as above should be instructed to keep himself constantly informed of the progress of vaccination in his district as compared with the local birth registers. If this were systematically done, and if the practice were adopted of sending a notice of default to every parent as soon as the default arose, few cases would remain to be reported half-yearly to the local authority. It is evident that a registrar of births has, from the nature of that appointment, peculiar facilities for acting as vaccination officer to the guardians. But, of course, in certain cases there may be reasons why this appointment should not be made. And for cases where the vaccination officer of the guardians is not the registrar of births, it is to be remembered that under section 24 of the Act the vaccinating officer, as such, has access to the registrar's vaccination book.

The instructions of the vaccination officer should have special reference to any proceedings that may be necessary for carrying into effect clause 17.

II.—Next, as regards the local arrangements for vaccination:—

(*a.*) By sections 2 and 3 the guardians of any union may be required to revise the present divisions of their respective unions, and to consolidate or otherwise alter existing districts. The class of unions that will be chiefly affected by these sections are urban unions, at present so subdivided as injuriously to affect the performance of public vaccination; and my Lords presume that local arrangements will have now to be brought into conformity with the principles laid down in the memorandum issued by the Council Office "on subdivision of vaccination:"—

(1.) That, except at times when there is immediate danger of small-pox, vaccination be not appointed to be performed at any station oftener than once a-week;

(2.) That, except at times when there is immediate danger of small-pox, or for special reason in individual cases, vaccination in town districts (unless it be of private patients) be performed only at the public station.

(3.) That, as opportunity offers, especially in urban unions and parishes, all unnecessary subdivision of public vaccination among many districts or stations be discontinued; and that in populous towns, unless under special circumstances, subdivision be not made beyond

the point where each vaccinating station will have annually at least 500 applicants for vaccination.

* * * * * * *

(*b.*) The intention of the Act (sections 3 and 11) is to have for each vaccinating district one responsible public vaccinator. This arrangement is at present the usual one; and in cases where it does not yet prevail the guardians ought at once to consider the expediency of determining the present contracts, and of making new contracts to the effect intended by the present law.

* * * * * * *

(*c.*) The duties which devolve upon public vaccinators under the contracts will no doubt be defined by the contracts; but here again, with particular reference to the attendances specified in the schedules, my Lords hope that the guardians will not be permitted to overlook the rules essential for the proper performance of vaccination.

(1.) Vaccination should not be appointed to be performed at any station oftener than once a-week.

* * * * * * *

(2.) Where, as in rural and wide-spread districts, provision has to be made for attendance at more than one station in a district, it is only at the principal station that a weekly attendance should be given, and the attendances at the other or subsidiary stations should be for a certain number of consecutive weeks at two or three stated seasons of the year; and

(3.) Where the population of the district is so sparse that there is not a resident public vaccinator, the Poor Law Board will, my Lords presume, sanction an arrangement (under clause 12) for attendance at fixed periods of the year only. An essential condition of success of a vaccination station is that the attendances shall be in fair proportion to the number of children likely to be brought annually to the station for vaccination.

* * * * * * *

In addition to the reasons advanced, there is another why the schedules should be revised. The new law is very stringent in requiring the attendance of parents; and it is of the utmost importance that the attendance of the vaccinators, in conformity with the announcements made to parents, should be punctually given. To effect this my Lords are of opinion that the attendances to be fixed in contracts should be such as vaccinators can reasonably be expected to adhere to.

## Appendix (B).

### 2. *Circular of the Poor Law Board.*

Poor Law Board, Whitehall, S.W.,
18*th February*, 1868.

Sir,

I am directed by the Poor Law Board to transmit to you herewith a copy of a General Order which they have issued, prescribing a new Form of Contract to be entered into by the guardians with medical practitioners to carry into execution the provisions of the recent Act upon Vaccination, which formed the subject of the Board's communication to the guardians on the 31st day of December last.

The Board also transmit, upon the suggestion of the Lords of her Majesty's Privy Council, a copy of certain regulations which their Lordships have recently issued under that Act, for the information and guidance of the guardians and the public vaccinators in their union.

I am, Sir, your obedient Servant,
G. SCLATER-BOOTH,
*Secretary.*

*To the Clerks to the Guardians.*

---

### *General Order.*

To the Guardians of the Poor of the several Unions named in the schedule (C) hereunto annexed—

To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the said Unions are respectively situate—

Whereas the Poor Law Board, by a General Order bearing date the Thirtieth day of November, one thousand eight hundred and fifty-three, and divers other orders in that behalf, addressed to the guardians of the Poor of the several unions named in the schedule (C) hereunto annexed, did prescribe certain forms of contract which the said guardians should adopt in making contracts with the medical officers of the said unions, or other legally qualified medical practitioners, under the provisions of the Act of the sixteenth and seventeenth years of the reign of her Majesty, intituled "*An Act further to extend and make Compulsory the Practice of Vaccination.*"

And whereas by reason of the passing of "The Vaccination

Act, 1867," it is expedient that such Forms of Contract should be altered and modified, and that, with respect to all future contracts, the said several orders should be rescinded.

Now, therefore, We, the Poor Law Board, in pursuance of "The Poor Law Amendment Act, 1834," and the several other statutes in that behalf, hereby order and direct, that in respect of all contracts to be entered into by the guardians of the said several unions, after the date hereof, the said orders shall be rescinded.

And We hereby further order and direct, with reference to all the said unions, that the following form of contract, with such modifications as the guardians, with the approval of the Poor Law Board, may determine upon, shall be adopted by the said guardians in making future contracts with the medical officers of the said unions, or other legally qualified medical practitioners therein, under the provisions of the above-recited Acts;

ARTICLES OF AGREEMENT entered into this day of one thousand eight hundred and between of the one part, and the Guardians of the Poor of the Union, in the county of of the other part.

WHEREAS the said guardians have, in pursuance of the several statutes in that behalf, with the approval of the Poor Law Board,* divided the union aforesaid into districts, for the purpose of vaccination, one of which districts comprises the parishes and places following: that is to say,

and have appointed the places mentioned in the schedule (A) hereto annexed as convenient for the performance of such vaccination; and the said guardians have agreed with the said to enter into a proper contract for the performance of the vaccination:

Now, therefore, the said doth hereby covenant and agree with the said guardians and their successors, that from and after the day of he will attend by himself or some medical practitioner legally qualified for that purpose as his substitute, at the times and places mentioned in the said schedule (A), or at such other times and places as the said guardians shall, with the consent of the Poor Law Board,* determine and cause to be indorsed hereon, and will then and there duly and according to the requirements of the law vaccinate every person resident in the district aforesaid who shall apply to or be brought to him for the purpose of being vaccinated, and will do and perform all such acts and

* As to the substitution of the Local Government Board, see *ante*, p. 73.

things as to the best of his judgment and in accordance with such requirements shall seem necessary for the purpose of causing such vaccination to be successfully terminated;

And will in like manner vaccinate any child resident out of his district whom any relieving officer of the said union shall in writing refer to him for vaccination;

And will attend at the times and places mentioned in the said schedule (A) to inspect the result of such vaccination in the persons so vaccinated, and will duly inspect such persons accordingly, and do such acts and give such directions and otherwise treat the cases as upon such inspection shall appear to him to be necessary;

And will keep a book to be termed "The Vaccinator's Register," to be provided for him by the said guardians, and will, as soon as practicable after he shall have vaccinated any person to whom this contract shall apply, and as soon as practicable after he shall have inspected the results of the vaccination of such person, make the entries respectively applicable to the vaccination and the inspection of the results described in the form set forth in the schedule (B) hereto annexed, and will, on the day next before the first ordinary meeting of the said guardians in every calendar month [*or* quarter of a year, *as may be agreed upon between the parties*], deliver or cause to be delivered to their clerk the book in which he shall have made such entries during the interval preceding such meeting.

And the said guardians do, for themselves and their successors covenant and agree with the said
as follows; that is to say,—To pay to him, his executors, or administrators, within one calendar month after Lady-day, Midsummer-day, Michaelmas-day, and Christmas-day respectively, during the subsistence of this contract, and within one month after its termination, for every person to whom this contract shall apply upon whom, in accordance with the regulations of the Lords of the Council* in force at the time, and all other requirements of the law, the operation of primary vaccination shall be successfully performed by the said
at the within mentioned station at , the same being situated at [*or* within one mile from] his residence by the nearest public carriage road, the sum of [*here insert the sum agreed upon, not less than* 1*s.* 6*d.*]; and for every such person so vaccinated at the within mentioned station at , the same being situated over one mile and under two miles distant from such residence, the sum of [*here insert the sum agreed upon, not less than* 2*s.* 0*d.*]; and for every such person so vaccinated at the within mentioned station at , the same being situated over two miles from such residence, the sum of [*here insert the sum agreed upon,*

* As to the substitution of the Local Government Board, see *ante*, p. 73.

*not less than* 3*s.* 0*d.*]; and further, to pay to him, his executors or administrators, at the times hereinbefore mentioned, the sum of in respect of every person to whom this contract shall apply upon whom the operation of primary vaccination shall be successfully performed in accordance with such regulations and requirements as aforesaid by the said elsewhere than at a station herein mentioned.

And it is hereby mutually agreed by and between the parties hereto, that no sum of money shall be paid to the said in respect of any person whose name together with the other particulars relating to the case, shall not be duly entered in the said register, except in the case of any omission which shall be explained to the satisfaction of the said guardians.

And it is hereby mutually agreed that this contract may be put an end to by either of the parties hereto on giving twenty-eight days' notice in writing to the other party respectively of the intention to put an end to the same.

[*Here must be inserted some other stipulation or condition to which the Poor Law Board* shall consent to secure the due vaccination of Persons, the observance of the Provisions of the Vaccination Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of the said Act on the part of the public vaccinator.*]

* As to the substitution of the Local Government Board, see *ante*, p. 73

## Schedules referred to in the above Articles of Agreement.

### Schedule (A).

| Times and Places appointed for Vaccination and Inspection respectively. | | | |
|---|---|---|---|
| Times. | | | Places. |
| Day of Attendance. | | Hours of the Day. | |
| For Vaccination. | For Inspection. | | |
| | *This must be the same day in the following week.* | | At the residence of the said _____<br>at _____<br>At _____<br>At _____ |

SCHE

VACCINATOR'S REGISTER *of the* _____

_____ *Public Vaccinator.*

| 1 | 2 | 3 | 4 | 5 | | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|
| No. of case consecutive to 500, and then to be repeated. | Date of Vaccination. | Name. | In case of Re-vaccination of Adults, and Adolescents successfully vaccinated in early Life, mark R. | Age. | | Place of Residence. | Where Vaccinated* | Name or No. in Register of the subject with whose Lymph the Vaccination is performed; or insert N. V. E. if the Lymph be sent by the National Vaccine Establishment; or state other source, if any. |
| | | | | Years. | Months. | | | |
| | | | | | | | | |

* Whether at the Vaccinator's Residence, or at an appointed

DULE (B).

*District of the* _____ *Union.*

_____ *day of* _____ 18

| 9 | 10 | 11 | 12 | | 13 | 14 | | 15 | |
|---|---|---|---|---|---|---|---|---|---|
| Initials of Person performing the Vaccination. | When and where inspected. | Initials of the Person inspecting. | Result. | | Date of sending Certificate to the Registrar. | Fee due in respect of each case of successful primary Vaccination. | | Fee due in respect of each case of successful Re-vaccination. | |
| | | | Successful. | Unsuccessful. | | *s.* | *d.* | *s.* | *d.* |
| | | | | | | | | | |
| | | | | | Total . | | | | |

tation (and if so, which), or where else.

In witness whereof the said
hath hereunto set his hand and seal, and the said guardians their common seal, the day and year first above written.

Signed, sealed, and delivered by the above-named in the presence of } (L. S.)

Guardians' seal. { The common seal of the guardians of the above-named union was hereto affixed at a meeting of the Board of Guardians, held on the day of the date hereof by chairman of the board at the said meeting, in the presence of

*Clerk to the Guardians of the said Union.*

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SCHEDULE (C).

Names of Unions referred to in the foregoing order.

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[*This Schedule contains the Names of the Unions to which the Order is addressed.*]

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Given under our hands and seal of office, this fifteenth day of February, in the year one thousand eight hundred and sixty-eight.

(L. S.)

DEVON,
*President.*

GATHORNE HARDY.
MARLBOROUGH.

G. SCLATER-BOOTH,
*Secretary.*

AT THE COUNCIL CHAMBER, WHITEHALL,

*This* 18*th day of February,* 1868.

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL.

Present:

LORD PRESIDENT. Lord ROBERT MONTAGU. Mr. CAVE.

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*To the Guardians of the Poor of all Unions and Parishes, to all Public Vaccinators, and to all others whom it may concern.*

THE Lords and others of her Majesty's Most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one) acting under the authority of the Vaccination Act of 1867, and all other authorities in this behalf, do hereby make and issue the following regulations, in addition to those already in force, for securing the efficient performance of public vaccination, and in respect of the re-vaccination of persons who apply to be re-vaccinated, that is to say:—

I. *Places and Times for Vaccination under Contract.*

1. Except where the Privy Council, for reasons brought to its notice, sees fit in regard of any particular district to sanction a system of domiciliary vaccination, every vaccination district shall have in it at least one public station appointed for the performance of the vaccinations under contract; and where any such station has been provided for a district, no person resident within two miles thereof, and not being an inmate of the workhouse, shall be vaccinated under contract

Public vaccinator under ordinary circumstances, to vaccinate only at public stations;

elsewhere than at such station, unless the vaccinator in the particular case be of opinion (which, if so, he is hereby required to note in his register) that for some special reason, the person whom he purposes to vaccinate cannot properly be vaccinated at the station.

and not oftener than once weekly;

2. Except under special authorization from the Privy Council as aforesaid, or in so far as may be expedient at times when there is immediate danger of small-pox, vaccination under contract shall not be appointed to be performed at any station oftener than once a week.

and if in a town district, only at one station therein.

3. And in any future contract concerning a vaccination district which is partly or wholly within a town, there shall not, except under special authorization as aforesaid, be appointed within the town more than a single station for the performance of the vaccinations of the district.

## II. *Vaccination Districts in Towns.**

Limitation, as regards towns, on the smallness of districts for vaccination.

No part of the Metropolis, or of any city, or municipal borough, or town corporate, or other town, shall, in respect of any future contract, form by itself, or with any rural place, a separate district for vaccination, except with the approval of the Privy Council, unless it contain an estimated population of at least 25,000 persons, or else be as much of the Metropolis, city, borough, or town, as is for purposes of vaccination under the control of one board of guardians.

## III. *Office of Public Vaccinator.*

Each district to have its own public vaccinator.

After the expiration of the month of June next, no two or more persons will be allowed to act severally as vaccinators under contract in any one and the same part or district of any union or parish.

## IV. *Re-vaccination.*

Extent to which re-vaccination at public expense may be given.

The performance of re-vaccination by the public vaccinator on persons applying to him for that purpose shall be limited in each case by the following conditions:—(1) That, so far as the public vaccinator can ascertain, the applicant has attained the age of 15 years, or, if during any immediate danger of small-pox, the age of 12 years, and has not before been successfully re-vaccinated; and (2) that, in the public vaccinator's judgment, the proposed re-vaccination is not for

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* As to the meaning of the word "town," see *Directors of London and South Western Railway* v. *Blackmore* (L. R. 4 H. L. Appeals, 610); *Reg.* v. *Cottle* (16 Q. B. 412); and *Elliot* v. *South Devon Railway Company* (2 Ex. 725).

any sufficient medical reason undesirable; and (3) that the public vaccinator can afford vaccine lymph for the purpose without in any degree postponing the claims which are made on him for the performance of primary vaccination in his district.

(Signed) ARTHUR HELPS.

All letters to the Privy Council relating to these Regulations should be addressed to

The Medical Officer of the Privy Council,
8, Richmond Terrace,
London, S.W.

## Appendix (B).

### 3. *Regulations relating to Vaccination.*

### *At the Council Chamber, Whitehall, the 1st day of December*, 1859.

By the Lords of Her Majesty's most Honourable Privy Council.

*To the Guardians of the Poor of all Unions and Parishes, to the Churchwardens and Overseers of all Parishes, Townships, and Places in which the Relief of the Poor is not administered by Guardians in England and Wales, and to all Medical Practitioners.*

Whereas by the Public Health Act, 1858, and by an Act since passed to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they think fit, for securing the due qualification of persons to be thereafter contracted with by guardians and overseers of unions and parishes in England for the vaccination of persons resident in such unions or parishes, and for securing the efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid—

Now, therefore, it is hereby ordered, by the Lords and others of Her Majesty's most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one), that on and after the 1st day of January, 1860, the following regulations shall be in force, viz.—

1. *Qualification of Contractors.* — Except where the Privy Council, for reasons brought to their notice, see fit in particular cases otherwise to allow, no person shall in future be admitted as a contractor for vaccination, unless he possess the same qualifications as are required by the Orders of the Poor Law Commissioners as qualifications for a district medical officer, and produce a special certificate,* given, under such conditions as the Privy Council from time to time fix, by some public vaccinator whom the Privy Council authorize to act for the purpose, and by whom he has been duly instructed or examined in the practice of vaccination and all that relates thereto :—

But the production of this special certificate on occasion of the contract being made may be dispensed with, if the certificate, or some other which the Privy Council judge to be of like

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* As to these special certificates, see further, *post*, p. 132.

effect, have been among the certificates or testimonials necessary for obtaining any diploma, licence, or degree, which the candidate possesses;—

And also, in respect of persons legally admitted to practise before this regulation comes into effect, the special certificate may be dispensed with, on condition that the contract, during one year from its making, continue subject to the approval of the Poor Law Board;—

And all persons now contracted with shall be deemed to be qualified to be again contracted with.

2. *Qualification of Deputies of Contractors.*—Under the same conditions as are appointed for the admission of a contractor, any person qualified to be a contractor may, on the contractor's application, be admitted by the guardians or overseers to act as his occasional deputy:—

But, if this admission be not part of the original contract, it must be notified by indorsement upon the contract; and, at least fifteen days before it is intended to take effect, a copy of the proposed indorsement, together with all requisite evidence of the qualification of the person whom it is proposed to admit, must be transmitted to the Poor Law Board.

3. *Vaccination and Inspection.*—All vaccinations and inspections under contract shall be performed by the contractor in person, or by some other contractor of the same union or parish acting for him, or by a deputy duly admitted as above;—

But at any station where the contractor is authorized (as above) to grant certificates, pupils and other candidates, aged not less than eighteen years, may, in his presence and under his direction, take part in vaccinating.

All vaccinations and inspections under contract shall be performed in accordance with the annexed "Instructions for Vaccinators under Contract."

4. *Register of Cases.*—Until some new form of vaccination register be duly prescribed, the person who performs any vaccination under contract shall, on the day that he performs it, legibly write in his register (as now provided) the letter R (for re-vaccination) against the name of every person, adult or adolescent, who, having in early life been successfully vaccinated, is re-vaccinated; and shall also enter in some column, or in the margin of the register, the source whence the lymph used in vaccination was obtained;—

Thus: the name or number (if any) in the register, of the subject from whom the lymph was taken; or N.V.E., if the lymph was sent by the National Vaccine Establishment; or the name or description of any other source;—

And where the vaccination or the inspection is done by a person acting as deputy for the contractor, the deputy shall write the initials of his name in the register side by side with the entry of the case: viz., in the left margin of the page, if it

be a vaccination which he performs, or in the right margin of the page, if it be an inspection which he performs.

5. *Contracts.*—Guardians and overseers, in their respective unions and parishes, shall forthwith take measures to bring the performance of public vaccination into conformity with these regulations.

WM. L. BATHURST.

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(*Enclosure.*)

*Instructions for Vaccinators under Contract.*

(1.) Except there be immediate danger of small-pox, vaccinate only subjects who are in good health. Satisfy yourself that there is not any eruption behind the ears, or elsewhere on the skin; nor any febrile state, nor any irritation of the bowels. Under no circumstances vaccinate a subject to whom, from the state or prospects of his health, vaccination is likely to prove injurious. Do not re-vaccinate persons who in infancy have been efficiently vaccinated, unless they be more than fifteen years of age, or, if during any immediate danger of small-pox, more than twelve years of age.

(2.) In all ordinary vaccinations, vaccinate by four or five separate punctures, so as to produce four or five separate good-sized vesicles; or, if you vaccinate otherwise than by separate punctures, take care to produce local effects equal to those just mentioned.

(3.) Direct care to be taken for keeping the vesicles uninjured during their progress, and for avoiding afterwards the premature removal of the crusts.

(4.) Register the results of vaccination only after having yourself inspected the cases. Register as "successful" no case of primary vaccination, unless the course of the vesicle have been strictly regular according to the subjoined description A; and register as "successful" no case of re-vaccination, unless either the regular vaccine vesicle have ensued, or the results have been normally modified according to the subjoined description B. Or if in either case you register as "successful" any result which does not agree with the subjoined descriptions, write also the word "irregular" in the column of the register where you record the result.

(5). Endeavour to maintain in your district such a succession of cases as will enable you uniformly to vaccinate with liquid lymph directly from arm to arm; and do not, under ordinary circumstances, adopt any other method of vaccinating. To provide against emergencies, always have in reserve some stored lymph—either *dry*, as on thickly charged ivory points, constantly well protected from the damp; or *liquid*, according to

## NOTE.

For the Instructions which have been lately substituted, see Supplement at the end of the volume.

D. P. F.

the method of Dr. Husband, of Edinburgh, in fine, short, uniformly capillary (not bulbed) tubes, hermetically sealed at both extremities. Lymph successfully preserved by either of these methods may be used without definite restriction as to time; but with all stored lymph caution is necessary, lest in time it have become inert or otherwise unfit for use. If, in order to vaccinate with recent liquid lymph, you convey it from case to case in a vial or in other like manner, without its being hermetically sealed, do not let more than eighteen hours, and in very hot weather not more than twelve hours, intervene before it is used.

(6.) Consider yourself strictly responsible for the quality of whatever lymph you use or furnish for vaccination. Take lymph only from subjects who are in good health, especially satisfying yourself that they are free from eruptions on the skin. Take it only from well-characterized uninjured vesicles. Do not take it from cases of re-vaccination. Take it (as may be done in all regular cases on the day week after vaccination) at a time when the vesicles are plump, either just before the formation of the areola, or, at the latest, not more than twenty-four hours after the areola has begun to form.

(7.) In vaccinating from arm to arm, and still more in proceeding to store lymph, avoid draining any vesicle that you puncture. From such a vesicle as vaccination by puncture commonly produces, do not, under ordinary circumstances, take more lymph than will suffice for the immediate vaccination of five subjects, or for the charging of seven ivory points, or for the filling of three capillary tubes; and from larger or smaller vesicles take only in like proportion to their size.

(8.) Scrupulously observe in your inspections every sign which tests the efficiency and purity of your lymph. Note any case wherein the vaccine vesicle is unduly hastened or otherwise irregular in its development, or wherein any undue local irritation arises; and if similar results ensue in other cases vaccinated with the same lymph, desist at once from employing it.

(9.) If from any cause your supply of lymph ceases, or becomes unsuitable for further use, take immediate measures for obtaining a new supply.

(10.) Keep in good condition the lancets or other instruments which you use for vaccinating, and do not use them for other surgical operations.

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N.B.—Supplies of lymph, guaranteed by the National Vaccine Board, are furnished on application to all medical practitioners. Letters of application for this lymph should be addressed "To the Registrar of the National Vaccine Establishment, Privy Council Office, London, S.W."

## *Signs of Successful Vaccination and of Successful Re-vaccination.*

(Gregory, revised by Ceely and Marson.)

(A.) "When vaccination has been successfully performed on a healthy infant, the puncture may be felt elevated on the second or third day, and soon afterwards, if examined with a magnifying glass, appears surrounded with a slight redness. On the fifth or sixth day a distinct vesicle is formed, having an elevated edge and depressed centre. On the eighth day it appears distended with a clear lymph. The vesicle on this, its day of greatest perfection, is circular and pearl-coloured; its margin is turgid, firm, shining, and wheel-shaped. Late on the seventh or early on the eighth day, an inflamed ring or areola begins to form around the base of the vesicle, and with it continues to increase during the two following days. This areola is of a circular form, and its diameter extends from one to three inches. When at its height, on the ninth or tenth day, there is often considerable hardness and swelling of the subjacent cellular membrane. On the tenth or eleventh day the areola begins to subside, leaving, as it fades, two or three concentric circles of redness. The vesicle now begins to dry in the centre, and acquires there a brownish colour. The lymph which remains becomes opaque, and gradually concretes; so that about the fourteenth or fifteenth day the vesicle is converted into a hard round scab of a reddish brown colour. This scab contracts, dries, blackens, and about the twentieth day falls off. It leaves a cicatrix which commonly is permanent in after-life, circular, somewhat depressed, dotted or indented with minute pits, and, in some instances, radiated. The above described local changes, while in active progress, are attended by feverishness; first, from the fifth to the seventh day, so slightly that often the fact passes unobserved, and again more considerably during those days when the areola is about its height; the infant now being restless and hot, with more or less disturbance of the stomach and bowels. About the same time, especially if the weather be hot, children of full habit not unfrequently show on the extremities, and less copiously on the trunk, a lichenous roseolar, or vesicular eruption, which commonly continues for about a week. When vaccination is performed on such adults or adolescents as have not previously been vaccinated, and likewise when lymph is employed which has recently been derived from the cow, the resulting phenomena, as compared with the preceding description, are somewhat retarded in their course; and the areola is apt to be much more diffuse. There is also more feverishness, but eruption is less frequently seen.

(B.) "When persons who have once been efficiently vacci-

nated are, some years afterwards, re-vaccinated with effective lymph, there sometimes result vesicles which, as regards their course and that of the attendant areolæ, cannot be distinguished from the perfect results of primary vaccination. But far more usually the results are more or less modified by the influence of such previous vaccination. Often no true vesicles form, but merely papular elevations surrounded by areolæ; and these results having obtained their maximum on or before the fifth day, afterwards quickly decline. Or if vesicles form, their shape is apt to vary from that of the regular vesicle, and their course to be more rapid; so that their maturity is reached on or before the sixth day, their areolæ decline on or before the eighth day, and their scabbing begins correspondingly early. In either case the areolæ tend to diffuse themselves more widely and less regularly, and with more affection of the cellular membrane than in primary vaccination; and the local changes are accompanied by much itching, often by some irritation of the axillary glands, and in some cases on the fourth or fifth day by considerable febrile disturbance."

## APPENDIX (B). No. 4.—EDUCATIONAL VACCINATING STATIONS.

In order to provide for the granting of those Special Certificates of Proficiency in Vaccination, which, under the Regulations of the Privy Council, are required to be part of the Medical Qualification for entering into Contracts for the performance of Public Vaccination, or for acting as a Deputy to a Contractor, the following arrangements are made:

(1) The Vaccination Stations, enumerated in the subjoined list, are open, under conditions appointed by the Privy Council, for the purpose of teaching and examination;

(2) The Public Vaccinators officiating at these Stations are authorized by the Privy Council to give the required Certificates of Proficiency in Vaccination to persons whom they have sufficiently instructed therein; and

(3) The Public Vaccinators, whose Names in the subjoined list are printed in *italic letters*, are also authorized to give such Certificates, after satisfactory Examination, to persons whom they have not themselves instructed.

| Cities and Towns having Educational Vaccinating Stations. | Places used as Educational Vaccinating Stations. | Public Vaccinators authorized to give certificates of Proficiency in Vaccination. | Days and Hours of Attendance of the Public Vaccinators. |
|---|---|---|---|
| LONDON... ... | (PRINCIPAL STATION) Surrey Chapel, Blackfriars-road. | *Mr. James Furness Marson* ... | Tuesday, Thursday; 1. |
| | (NORTH-WEST STATIONS): 1.—Marylebone Institution, 15, Lower Seymour-street | Mr. William A. Sumner ... ... | Monday; 9–11. |
| | 2.—Albion Hall, Grove-place, Lisson-grove. | | Wednesday; 9–11 |
| | (WEST STATION) 9, St. George's-road, Pimlico, S.W. | Dr. Edward Lowe Webb ... ... | Thursday; 10. |
| | (EAST STATION) Eastern Dispensary, Leman-street. | Mr. Charles T. Blackman ... | Wednesday; 11. |
| | (NORTH STATION) Tottenham-court Chapel, Tottenham-court-road. | Mr. William Edwin Grindley Pearse. | Monday, Wednesday; 1. |
| | (SOUTH-WEST STATION) 2, Regent-place, Horseferry-road. | Mr. William Edwin Grindley Pearse. | Tuesday; 2. |

| | | | |
|---|---|---|---|
| LONDON... ... | (STRAND STATION) Charing-cross Hospital | Mr. Robert William Dunn ... | Monday; 10. |
| BIRMINGHAM | STATION 1.—At the School Rooms, 27, Old Meeting-street, leading out of Worcester-street | *Dr. Edmund Robinson* ... ... | Monday; 11. |
| | STATION 2.—At the Rooms occupied by the Working Men's Mutual Improvement Society, Barr-street, leading from Great Hampton-row | | Tuesday; 11. |
| | STATION 3. — At St. Mark's School Rooms, St. Mark's-st. | | Wednesday; 11. |
| | STATION 4. —At the Islington Assembly Rooms, 42, Broad-street, nearly opposite Mr. Oram's Furniture Warehouse | | Thursday; 11. |
| BRISTOL ... ... | The Public Vaccination Station, Peter-street. | *Dr. Henry A. P. Robertson* ... | Wednesday; 10. |
| EXETER ... ... | Odd Fellows' Hall, Bamfyld-st. | *Mr. Charles H. Roper* ... ... | Thursday; 3. |
| LEEDS ... ... | 23, Burmantofts-street ... ... | *Mr. Frederick Holmes* ... ... | Tuesday; 3. |
| LIVERPOOL ... | 4, Oldham-street... ... ... ... | *Mr. Arthur Brown Steele* ... ... | Thursday; 2. |
| MANCHESTER... | 159, Rochdale-road ... ... ... | *Mr. Ellis Southern Guest* ... ... | Monday; 2. |
| NEWCASTLE-ON-TYNE. | 6, George-street East, Saville-row. | *Mr. George Cuthbert Gilchrist* ... | Tuesday; 2. |
| EDINBURGH ... | The Royal Dispensary ... ... | *Dr. William Husband* ... ... | [day; 12. Wednesday, Satur- |
| GLASGOW... ... | The Hall of the Faculty of Physicians and Surgeons. | *Dr. James Dunlop* ... ... ... | Monday; 12. |
| ,, | The Royal Infirmary ... ... ... | Dr. Robert Dunlop Tannahill ... | Monday, Thursday; 12. |

NOTE.—The names and other particulars of course change from time to time. The above are correct at the present time.—D.P.F., *April*, 1872.

## Appendix (B).

### 5. *Circular of the Poor Law Board.*

Poor Law Board, Whitehall, S.W.,
*20th February*, 1869.

Sir,

The Poor Law Board have received communications from the Lords of Her Majesty's Council, representing that unsatisfactory arrangements have been proposed to be made by the guardians of several unions, in reference to the attendance of the vaccinators at the different stations for the performance of vaccination. The Board, therefore, think it right to draw the attention of the guardians to the subject.

The Board are informed that it is of essential importance to the success and efficacy of the operation that vaccination should, as far as possible, be performed from arm to arm of the children, instead of by the means of preserved lymph. Under ordinary circumstances, the arm of a child on which the operation has been performed is, at the end of a week, in a state in which the lymph can be taken from it to vaccinate another child; and the Board further learn that the lymph used in vaccination should be carefully selected from the best formed vesicles upon the healthiest children. The best vaccination is, therefore, to be obtained when attendances are given at weekly intervals, and when the children brought to be vaccinated are met by a sufficient number of other children, vaccinated the week before, from whom some can be selected to furnish lymph.

In proceeding to make arrangements for these weekly attendances, it is essential for the guardians to consider whether the circumstances of the district to which a station is assigned are such as to permit of vaccination being performed there in every week of the year, or only in certain series of weeks. This generally is a question as to the number of children who may be brought for vaccination, which again is principally a question depending upon the amount of population. It is only in very populous districts that efficient vaccination can be maintained at weekly intervals throughout the whole year. The regulations of Her Majesty's Council provide that no town shall be divided into districts for vaccination, unless each district contain a population of at least 25,000 persons; that there shall be only one station in each town district; and that vaccination shall not be performed oftener than once a week; and in towns sufficiently populous their Lordships think it desirable that a population of 40,000 or 50,000, or even more, should be assigned to each

station. Stations which are appointed for such populations as these can doubtless maintain continuous weekly vaccination throughout the year.

But in the less populous districts of the country, the object of procuring arm to arm vaccination with due selection of lymph cannot be obtained, if weekly attendances throughout the whole year are appointed. The limit of population at which it becomes expedient to restrict attendances for vaccination to certain periods of the year will vary in different cases according to various circumstances; such as the amount of private vaccination performed in the district, and the frequency with which the district is exposed to chances of small-pox infection. But, at all events, it may be said that, when the district which can supply cases to any station has a smaller population than 10,000 persons, the guardians ought to consider whether the number of applicants for vaccination at that station will be such that weekly vaccination throughout the whole year ought to be attempted. In proportion as the population attached to a station falls below 10,000, so it will be found more and more probable that vaccination cannot be satisfactorily performed there at weekly intervals throughout the whole year.

When vaccination cannot be performed at weekly intervals throughout the year, it is recommended by the Lords of Her Majesty's Council that the attendances for vaccination should be given either quarterly (in January, April, July and October), or half-yearly (in April and October), and for so many successive weeks as the circumstances of the district may seem to require. Section 12 of the Vaccination Act of 1867 permits guardians, with the consent of the Poor Law Board, to fix attendances in places with a scanty population at longer intervals than three months; and the Board will always be ready to consider any proposal submitted by the guardians to give effect, when required, to the provisions of this section.

The Board are also of opinion that, in districts in which there is more than one station, it may be desirable to arrange that so far as practicable the attendance at the several stations, instead of being appointed for different days in the same week should be appointed for the same day in successive weeks, but at different hours, as for instance—

| | FOR VACCINATION. | | FOR INSPECTION. | |
|---|---|---|---|---|
| At station A. | 1st | Monday | 2nd | Monday |
| | 2nd | in | 3rd | in |
| | 3rd | April. | 4th | April. |
| At station B. | 2nd | Monday | 3rd | Monday |
| | 3rd | in | 4th | in April. |
| | 4th | April. | 1st | Do. in May. |
| At station C. | 3rd | Monday in | 4th | Monday in April. |
| | 4th | April. | 1st | Do. May. |
| | 1st | Do. in May | 2nd | Do. May. |

By this means the vaccinator might take the lymph fresh from the arms of the children inspected at station A to vaccinate the children at station B, and so on.

The Board are not unaware of the difficulty which there may sometimes be on the part of parents bringing their children to be vaccinated when the days for vaccination are few in the course of the year. To obviate this, as far as possible, care should be taken that, in addition to the printed notice which the registrar of births and deaths is required by the 30 and 31 Vict., c. 86, s. 15, to give to every person registering a birth, printed notices of the times and places at which the vaccinator will attend should be kept continually exposed at the places in each parish where parish notices are affixed.

The Board request that these observations may receive the consideration of the guardians, and that they will endeavour to make such arrangements for the union as may, at the same time that they promote the practice of vaccination and secure its performance in the most efficient manner, be also most convenient to the medical practitioner contracting for its performance.

The Board desire to add that persons living within two miles of a station cannot, under the regulations of Her Majesty's Council, be vaccinated by the public vaccinator elsewhere than at a station, "unless for some special reason" (to be noted in the vaccinator's register,) "the person whom the vaccinator proposes to vaccinate cannot properly be vaccinated at the station," but that persons residing at a greater distance than two miles from the station may, when circumstances require it, be vaccinated at their own homes.

In conclusion, the Board request that the guardians, before they proceed to enter into any new contracts for vaccination, will communicate with the Board as to any alterations which they may propose to make in the existing arrangements.

The Board will, on receipt of such information, transmit to the guardians a form in which the arrangements may be clearly set forth for the final decision of the Board before the contracts are executed.

I am, Sir, your obedient servant,

H. FLEMING, *Secretary.*

## Appendix (B). No. 6.

In their twenty-third (and final) report, dated 31st May, 1871, the Poor Law Board, referring to the outbreak of small-pox, stated as follows:—

"We have received many applications for our advice on the subject, and, after communicating with the Lords of Her Majesty's Council, have suggested such measures as appeared desirable for the treatment of poor persons suffering from the disease, and for checking its progress. The establishment of hospital accommodation, and the measures for preventing the spread of infection, except as regards pauper patients, are, however, matters which more properly come under the jurisdiction of the authorities appointed for the purpose by the Sanitary Acts" (p. xxxix.).

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(*a.*) Privy Council Office. (*Issued in January*, 1871.)

### *Memorandum on the Steps specially requisite to be taken by Boards of Guardians under the Vaccination Act*, 1867, *in Towns in which Small-pox is epidemic.*

I. *Special Instructions to Vaccination Officers.*

1. At times when small-pox is epidemic, the officer appointed by the guardians to see that the provisions of the Vaccination Act are duly observed should give his first and special attention to the particular localities in which the infection exists.

2. In order that for this purpose he may have the earliest possible information of the occurrence of cases of the disease, the guardians should instruct their district medical officers to give him immediate notice of every fresh case of small-pox which comes under their treatment, and should also instruct the registrars of deaths to forward to him notice of each death registered from small-pox on the day on which it is registered. For convenience of transmitting such notices, each district medical officer and registrar should be supplied with forms duly stamped for post; or with post-cards adapted for the purpose. Private medical practitioners should also be invited to give similar information.

3. In each locality in which the infection exists, the vaccination officer should proceed with the utmost possible dispatch to

personally ascertain what children are unprotected by vaccination, and should use his utmost exertions to obtain the prompt vaccination of all such children. Generally speaking, he must be guided by his own judgment and by his knowledge of the locality as to the manner in which his inquiries can best be made; but in infected courts or alleys, as well as in certain kinds of streets, inquiries from house to house, and, in tenemented houses, from room to room, will be indispensable.

4. Where any child is found illegally unvaccinated (between the ages of three months and fourteen years) the vaccination officer should give a notice requiring the vaccination to be done within a specified time. This time, when there is small-pox in the house, or other special risk of exposure to the contagion, should not exceed twenty-four hours; but in other cases some days, not exceeding a week, may be allowed. A second visit from the vaccination officer will, of course, afterwards be necessary, in order to see that his notice has been complied with.

With regard to unvaccinated children, not yet three months old, who may be in infected localities, the vaccination officer should advise the parents not to incur the unnecessary risk of waiting for the child to complete that age before having its vaccination performed; for vaccination is performed with perfect safety on children even immediately after birth. In no house in which there is small-pox ought a child, however young, on any account to remain unvaccinated, unless on medical examination it be pronounced unfit to be vaccinated.

5. The vaccination officer should make it well known in infected localities that the public vaccinator is at liberty to re-vaccinate grown-up and young persons (not under twelve years of age) who have not before been successfully re-vaccinated, and who apply to him for that purpose; and that persons not vaccinated since childhood, who are likely to be exposed to contagion, ought to be re-vaccinated without delay. Above all, this is necessary for persons whose original marks of vaccination are imperfect.

6. All notices given and representations made as above, should be accompanied with information of the provision for public vaccination in the district. If any case requiring prompt vaccination by the public vaccinator cannot, in the judgment of the vaccination officer, properly be taken to the station or residence of the public vaccinator, the vaccination officer should give to the public vaccinator immediate information of the case.

7. Besides the above described special proceedings in infected localities, every means should be taken, generally throughout the union or parish, to ensure that the infantile vaccination is as complete as possible. The vaccination officer should make frequent examination of the registrars' vaccination books, and should deal with each default which he finds as speedily as possible after it has arisen.

II. *Special Arrangements for the Public Vaccination of cases of Emergency.*

1. Besides the ordinary attendances for the performance of vaccination at the appointed station in each vaccination district, special attendances should, during the continuance of the epidemic, be given at a fixed hour daily for the vaccination of cases of emergency.

2. Under the regulations of the Privy Council, guardians, where small-pox is prevailing, are at liberty, without special authorization, to order such exceptional attendances. But as regards the place where the special daily attendances should be given, if in the case of any district where the vaccinator's surgery or residence is not a vaccination station, the guardians are of opinion that the ordinary vaccinating station would be less convenient for the special purpose than such surgery or residence would be, they should at once apply to the Privy Council to sanction, for a limited time, the exceptional use of the surgery or residence.

3. The special provision for daily attendance is designed only to meet cases of emergency; and all other cases should be reserved for the usual vaccinating day. It is on the latter regular attendance at the station that reliance must be placed, not only to maintain the usual performance of primary vaccination from arm to arm, but also to furnish the supply of lymph required for cases of re-vaccination, and for use in the special attendances; and former epidemics of small-pox have shown that to attempt at such times an indiscriminate daily performance of vaccination leads only to difficulties and disadvantages. Adherence to systematic arrangements (with exception only for special cases) is indeed of the utmost consequence at such periods;—first, because it is then of supreme importance that each primary vaccination should be done under conditions which scarcely admit of failure; and secondly, because without system it is not possible properly to meet the large demands for re-vaccination which at such times are sure to arise, and which, unless under very particular circumstances, must always be reserved for the weekly vaccinating day.

III. *Isolation of the Sick, and Disinfection.*

The isolation of the sick, and the disinfection of infected houses and things, are very important means of checking the spread of small-pox; and in order that such measures may be enforced, the Sanitary Act, 1866, besides imposing penalties on the exposure of infected persons, the letting of infected houses, the sale, &c., of infected things, and other acts similarly dangerous to the public health, gives, in ss. 22–24, 26–28, very important powers to nuisance authorities. As the nuisance authority is in most towns a separate body from the board of

guardians, it is not proposed in this memorandum to give any advice as to the way in which these powers can best be exercised; but, so far as the destitute classes are concerned, boards of guardians, as Poor Law authorities, have through their officers opportunities of securing disinfection and the isolation of the sick, of which full use should be made during an epidemic of small-pox.

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(*b.*) Medical Department of the Privy Council.

I. *Re-vaccination.*

By vaccination in infancy, if thoroughly well performed and successful, most people are completely insured, for their whole lifetime, against an attack of small-pox; and in the proportionately few cases where the protection is less complete, small-pox, if it be caught, will, in consequence of the vaccination, generally be so mild a disease as not to threaten death or disfigurement. If, however, the vaccination in early life have been but imperfectly performed, or have from any other cause been but imperfectly successful, the protection against small-pox is much less satisfactory; neither lasting so long, nor while it lasts being nearly so complete, as the protection which first-rate vaccination gives. Hitherto, unfortunately, there has always been a very large quantity of imperfect vaccination; and in consequence the population always contains very many persons who, though nominally vaccinated and believing themselves to be protected against small-pox, are really liable to infection, and may in some cases contract as severe forms of small-pox as if they had never been vaccinated. Partly because of the existence of this large number of imperfectly vaccinated persons, and partly because also even the best infantile vaccination sometimes in process of time loses more or less of its effect, it is advisable that *all persons who have been vaccinated in infancy should, as they approach adult life, undergo* RE-VACCINATION. Generally speaking, the best time of life for re-vaccination is about the time when growth is completing itself, say from fifteen to eighteen years of age; and persons in that period of life ought not to delay their re-vaccination till times when there shall be special alarm of small-pox. In proportion, however, as there is prevalence of small-pox in any neighbourhood, or as individuals are from personal circumstances likely to meet chances of infection, the age of fifteen needs not be waited for; especially not by young persons whose marks of previous vaccination are unsatisfactory. *In circumstances of especial danger, every one past childhood, on whom re-vaccination has not before been successfully performed, ought without delay to be re-vaccinated.*

Re-vaccination once properly and successfully performed, *does*

*not appear ever to require repetition.* The nurses and other servants of the Small-pox Hospital when they enter the service (unless it be certain that they have already had small-pox) are invariably submitted to vaccination, which in their case generally is re-vaccination, and is never afterwards repeated; and so perfect is the protection, that though the nurses live in the closest and most constant attendance on small-pox patients, and though also the other servants are in various ways exposed to special chances of infection, the resident surgeon of the hospital, during his thirty-four years of office there, has never known small-pox affect any one of these nurses or servants.

Legal provisions for re-vaccination are made in the 8th section of the Vaccination Act, 1867, and in section 4 of the regulations which the Lords of the Council under authority of the act issued in their order of February 18th, 1868. Under these provisions, *re-vaccination is now performed by all public vaccinators at their respective vaccinating stations;* and, so far as is not inconsistent with the more imperative claims for primary vaccination, *any person who ought to be re-vaccinated may, on applying to the public station of the district in which he resides, obtain re-vaccination at the public expense.*

### II. *Lymph supply for Re-vaccination.*

At any time when exceptional claims for re-vaccination are arising, it becomes essential clearly to understand how the lymph for such re-vaccination is to be supplied.

In regard of lymph supply, re-vaccination unfortunately differs from primary vaccination, in that it contributes nothing to its own support, but that each case of re-vaccination, while requiring to draw lymph from a case of primary vaccination, will itself furnish no available lymph in return; for, even when good vesicles result from re-vaccination, their lymph cannot properly be used for other vaccinations or re-vaccinations. Thus, no wholesale re-vaccination is possible which does not have for its basis a large system of primary vaccination; and as, in England, such a system exists in the hands of the public vaccinators, but, with very rare individual exceptions, not in any other hands, so, our essential security for means of re-vaccination (as well as for means of primary vaccination) is in the system of public vaccinating stations established by law.

At these stations a large majority of all the infantine vaccinations of the country are performed in successive weekly groups; the cases of each vaccinating day returning a week afterwards to furnish lymph for the arm-to-arm vaccination of a new group. Each well-frequented station is thus a continuous source of primary lymph supply, and is able not only to maintain its own weekly performances of vaccination and re-vaccination, but also to contribute more or less towards the requirements of places where the public stations are too ill-frequented for the mainte-

nance of a continuous supply, and towards the similar requirements of private practitioners. From certain of such stations, carefully selected and superintended, the Medical Department of the Privy Council receives regular contributions of lymph, preserved dry on ivory points, or liquid in capillary tubes; and out of the stock thus contributed, the department answers day by day the demands which are made on it for lymph; demands emanating not only from among the many thousand vaccinators, public and private, of the civil population of England, and the other divisions of the United Kingdom, but also from her Majesty's army and navy in all parts of the world, and from the diplomatic and other foreign services, and from the colonies.

It is essential for the objects which have to be accomplished that this National Vaccine Establishment should be maintained in a solvent condition, as regards all such demands as its constitution is intended to meet; and it is satisfactory to know, as an effect of large improvements which of late years have been made in the system of supply, that the resources of the establishment are now many times greater and more elastic than they have been during any previous epidemic of small-pox, and are fully adequate to meet all such demands as the establishment professes to provide for. It must be remembered, however, that there are certain claims which the establishment is neither meant, nor would be able, to meet. No central depôt of lymph can pretend to give such separate supplies as will enable each individual practitioner to vaccinate at once large numbers of persons. The principle on which the National Vaccine Establishment proceeds (and has always proceeded) in its distribution of lymph, whether to public or private vaccinators, is as follows:—*It furnishes each applicant with a sufficiency for the performance of a few first vaccinations, and it expects that the recipient*, so far as the circumstances of his practice render necessary, *will exert himself to vaccinate in series from the beginning which he is thus enabled to make.* This principle is acted on in relation to public vaccinators (as especially in country districts) whenever, from local circumstances, the weekly succession of groups of cases has been interrupted; and no other principle can be worked on a large scale in relation to private vaccinators. If re-vaccinations are in question, they, to any considerable extent, cannot be *immediately* dealt with at the expense of the central depôt. And if the vaccinator, on receiving his packet of preserved lymph, does not use it for starting primary vaccinations, from which afterwards his re-vaccinations could be performed, but, instead of so doing, expends the preserved lymph on some of his claimants for re-vaccination, he must not rely on being able to satisfy other claimants with new supplies from the central depôt.

Where medical practitioners, not being public vaccinators, and not having otherwise in their practice cases for primary vaccination, are called upon to re-vaccinate on considerable scale (as

in hospitals, commercial establishments, schools, and even large households), they would generally find it best to make direct application for assistance to the public vaccinator of the district in which they have to act; with whose assistance they may commonly find it in their power to arrange with the parents of children recently vaccinated at the public station, that some of such children shall at the proper time be taken to places where private re-vaccinations have to be performed, so as to furnish from arm to arm any required quantity of lymph. Generally, too, any private medical practitioner who, from any cause, desires to obtain extraordinary supplies of lymph, will most easily attain his object by applying to the public vaccinator of the district in which he resides. And as public vaccinators, appointed under the Vaccination Act, 1867, are of course free to accept payment for any extra-official work which they may be willing to undertake, private practitioners would probably have no difficulty in obtaining, by voluntary agreement, the assistance of some of these officers as collectors of lymph for private re-vaccination.

It is important for the public to observe that re-vaccination on a large scale is not easily conducted unless in a thoroughly systematic manner, and that individual difficulties in finding lymph for re-vaccination are inseparable from the too general practice of deferring re-vaccination to periods of panic, instead of having it proceed, as it should, regularly and uniformly, in proportion as successive numbers of population reach the proper age for its performance.

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Section 8 of the Vaccination Act, 1867, is as follows:—"The provisions of the contracts entered into before this act comes into operation shall not, after the 31st day of December next, apply to the cases of persons who, having been previously successfully vaccinated, shall be re-vaccinated; but if the Lords of Her Majesty's Council shall have issued or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such Lords are hereby authorized to do, the guardians shall pay, in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new contracts entered into after the date hereof, a sum amounting to two-thirds of the fee payable upon each case of successful primary vaccination."

Section 4 of the regulations issued by the Lords of the Council in their order of February 18, 1868, is as follows:—"The performance of re-vaccination by the public vaccinator on persons applying to him for that purpose shall be limited in each case to the following conditions—(1) that, so far as the public vaccinator can ascertain, the applicant has attained the age of fifteen years, or, if during any immediate danger of small-pox, the age of twelve years, and has not before been successfully re-vaccinated;

and (2) that, in the public vaccinator's judgment, the proposed re-vaccination is not for any sufficient medical reason undesirable; and (3) that the public vaccinator can afford vaccine lymph for the purpose without in any degree postponing the claims which are made on him for the performance of primary vaccination in his district."

*February 6th*, 1871.

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## (*c.*) *Memorandum on the Duties of Nuisance and Sewer Authorities in Reference to Epidemics of Small-pox.*

It is the neglect of vaccination that renders the occurrence of considerable epidemics of small-pox possible, and it is by vaccination that the spread of small-pox can most effectually be prevented or restrained; and therefore as soon as any case of small-pox is brought into or occurs in any union, immediate notice should be given to the board of guardians of the union (the local authority for vaccination purposes) in order that any special facilities which it may be desirable to afford for the vaccination of persons in immediate danger of infection may be provided, and that vaccination may be enforced throughout the infected district. As, however, small-pox is one of the most infectious of diseases, so, just in proportion as there has been neglect of vaccination in the community, each new case of small-pox which occurs becomes a new centre of danger to the public health; and, accordingly, in order to prevent the spreading of the disease, the ISOLATION OF THE SICK AND THE DISINFECTION OF INFECTED HOUSES AND THINGS are especially necessary.

1. It is of great importance that all persons suffering from small-pox, and so lodged that the isolation of them from healthy persons cannot be secured without their removal, should be removed to some special hospital or place for the reception of the sick. Steps should be taken to obtain early information of all cases of small-pox; and, under the directions of the medical officer of health of the district, or, if there is no medical officer of health, then of some medical practitioner specially appointed to advise the local authority during the epidemic, the provisions of the 26th section of the Sanitary Act, 1866, should be put in force wherever such a measure seems necessary to prevent the spread of the disease. The provision of the 19th section of the same act, including within the term "nuisance" such overcrowding of a house or any part of a house as is dangerous or prejudicial to the health of the inmates, should also receive the special attention of the nuisance authority at such a time, and the provisions of the 27th section should be fully carried into effect with regard to the bodies of persons who die of small-pox.

If it be at all doubtful whether suitable accommodation will be found in the existing hospitals for the cases of small-pox in the district which ought to be removed from their homes, the authority which, under section 37 of the Sanitary Act, 1866, has power to provide any requisite accommodation for such cases, whether or not of the destitute class, if it has not already exercised its powers in this behalf, should exercise them without delay, and to the full extent required in order to render possible the necessary isolation of the sick. Although some provision may have been made by the board of guardians of the union to meet the requirements of the destitute class, it may still be expedient for the sanitary authority, in the interest of the public health, to supplement the provision for this class; and, at any rate, the sanitary authority is bound to see that the requisite provision is made for cases where removal is necessary, but which are not in a class willing to receive Poor Law relief.

2. It is equally necessary that, under the powers contained in sec. 22 of the Sanitary Act, 1866, all houses or rooms and things infected with small-pox should be disinfected under skilled direction, and with as little delay as possible after the death of the patient or the removal or convalescence of the case.

3. In order that houses or rooms may be properly disinfected, it will be desirable that the disinfection should, in as many cases as possible, be done by the servants of the nuisance authority, and to the satisfaction of the medical adviser of such authority; and in order that articles and things may be readily but sufficiently disinfected, it will be necessary that a place with the necessary apparatus and attendance for disinfection should be ready for use. (Sanitary Act, 1866, sec. 23.) If these public means of disinfecting infected articles have not already been provided, this should at once be done.

4. As infectious diseases may be spread by the use of public carriages for the conveyance of the sick and of convalescents, the nuisance authority (under sec. 24 of the Sanitary Act, 1866) should provide suitable means of conveyance to and from hospitals of persons suffering or recovering from small-pox.

5. Public notice should be given of the penalties to which persons are liable on account of the exposure of small-pox patients, the use without proper precautions of public carriages for the conveyance of persons suffering from small-pox, the letting of infected houses or rooms, or the sale or sending about of infected things; and proceedings should be taken by the nuisance authority in every case in which these provisions are disobeyed. (See Sanitary Act, 1866, ss. 25, 38, 39.)

*Medical Department of the Privy Council Office,*
*March,* 1871.

## Appendix (B.)

### 7. *The Vaccination Act*, 1871.

Local Government Board, Whitehall,
London, S.W., 17*th October*, 1871.

Sir,

1. I am directed by the Local Government Board to forward for the consideration of the guardians a copy of the Act 34 and 35 Viet., c. 98, which was passed in the last session of Parliament to amend the Vaccination Act of 1867.

2. The Board desire me to direct the attention of the guardians to the fifth section of the Act, which requires them to appoint and pay one or more vaccination officers. This provision will not come into compulsory operation until the first of January next (see sec. 2 of the Act); but as the duties of these officers should commence from that date, and as the guardians have at present the power to make such appointments, under sec. 28 of the Act of 1867, it is desirable that the matter should be proceeded with at once.

3. The new Act will not interfere with any appointments of paid vaccination officers which have already been made by the guardians, under the provisions of the Act of 1867, and those appointments will remain in force until the guardians put an end to them. In view, however, of the new duties imposed on vaccination officers by the Act of 1871, the terms and conditions of their appointments will require re-consideration; and in some instances it will be necessary for the guardians to consider whether any and what further appointments may be required for carrying into effect the intentions of the present Act. On the other hand, where the guardians have not already made any such appointments, they will be called upon to consider the question anew, with reference to the fresh obligations now imposed upon them.

4. The first questions for the consideration of the guardians will be, whether one officer should act for the whole of the area within the jurisdiction of the guardians, or whether that area should be divided into districts, and an officer appointed for each district. In the latter case, the guardians will observe that any such district which they may form must (unless the Local Government Board otherwise direct) coincide either with a vaccination district or districts formed under the Act of 1867, or with a district or districts of a registrar of births and deaths.

5. It will be the duty of every vaccination officer so appointed to see to the execution of the Vaccination Acts, with the view of securing the vaccination of every child who is not unfit for it, or is not insusceptible of it. For this purpose it is provided by sec. 8 of the Act, that every registrar of births and deaths shall transmit to the vaccination officer a monthly return of births and of the deaths of infants under twelve months of age. The obligation to furnish these returns will not arise until after the 1st of January next (see sec. 2 of the Act); and in the meanwhile the registrars will receive the necessary forms for making the returns, with such instructions as may be given them by the Registrar-General of Births and Deaths in England, with the approval of the Local Government Board.

6. When the new Act shall come into full operation, the registrars will no longer be required to submit to the guardians the half-yearly lists referred to in sec. 27 of the Act of 1867; and the only duties which it will then be incumbent on them to discharge under the Vaccination Acts will be, (1) to give to the parents or other persons the notices contemplated by sec. 15 of the Act of 1867; (2) to keep the record of such notices, which is required by section 24 of that Act; and (3) to transmit to the vaccination officers the monthly returns above referred to. For the performance of these duties, each registrar will be entitled to receive the following remuneration; namely, under sec. 24 of the Act of 1867, a fee of one penny in respect of every child whose birth he shall have registered, and in respect of whom he shall have given the required notice; and under sec. 8 of the Act of 1871, a fee of twopence for every birth or death entered in the return referred to in that section, which fee is to be paid to him whether he is or is not also the vaccination officer. These fees will be payable to him by the guardians in the same manner as the fees were formerly payable under sec. 25 of the Act of 1867.

7. As sec. 27 of the Act of 1867 will be repealed on the 1st of January next, it will devolve upon the vaccination officer, acting under the instructions which will be issued by the Local Government Board, and under the directions of the guardians, to examine the lists of births and deaths supplied to him by the registrar, and in those cases in which, at the expiration of the time allowed by law, certificates of successful vaccination, or of postponement of vaccination, or of insusceptibility to vaccination, or information of the death of the child, shall not have been received, to take such steps as his instructions shall point out for insuring compliance with the law. The vaccination officer will be required to keep such registers, and other records of his proceedings, as the Local Government Board shall direct, and the Board will shortly issue forms for this purpose under sec. 5 of the new Act.

8. Under secs. 16 and 29 of the Act of 1867, the parent or

other person is liable to a penalty, who shall neglect to have the child vaccinated within three months after its birth, or after receiving its custody, or in certain cases within the further period limited by sec. 12 of the Act, and shall not render a reasonable excuse for such neglect. This offence is complete at the end of the three months or other period, and as, therefore, it can only be committed once, only one penalty can be inflicted on account of it. (See *Pilcher* v. *Stafford*, 33 L. J. N.S. M. C. 113; 9 L. T. N.S. 759.) Under sec. 31 of the same act, however, an order for the vaccination of a child under fourteen years of age may be made by a justice of the peace if he see fit, upon the application of the vaccination officer, and such order may be renewed or repeated, again and again, as often as may be requisite, until the vaccination of the child is effected. (See *Allen* v. *Worthy*, 39 L. J. N.S. M. C. 36; 21 L. T. N.S. 665; L. R. 5 Q. B. 163.) It is important to bear in mind this distinction between the proceedings under sec. 29 and those under sec. 31.

9. The certificates of unfitness and insusceptibility, which under the Act of 1867 were to be given to the parents but were not required to be transmitted either to the registrars or to the guardians, must now (under sec. 7 of the present Act), as well as the certificates of successful vaccination, be transmitted to the vaccination officers, and be registered by them. The period for the transmission of any of these certificates is, also by sec. 7, limited to seven days from the examination on which it is founded; and it is of great importance for the avoidance of unnecessary trouble to parents and others in carrying out the Act, that this limitation should be noted, and the direction of the law strictly observed by those on whom the transmission of the certificates devolves. When the certificate is one of unfitness, the vaccination is merely postponed; when the certificate is one of insusceptibility to vaccination, or of successful vaccination, or where the child has already had the small-pox, no proceedings will be required to be taken. It may, however, happen that the child has been successfully vaccinated, although the certificate may not have been transmitted, as the law requires, to the vaccination officer; and it is provided by sec. 11 of the present Act, that in such a case the person erroneously charged with neglecting to procure the vaccination, may, if the facts require it, be convicted of the offence of neglecting to transmit the certificate.

10. With respect to proceedings to be taken under sec. 31 of the Act of 1867, some important facilities are introduced by sec. 11 of the present Act, which provides that proceedings may be prosecuted with respect to any child who is not within the union or parish, if either the child or its parent was within the union or parish at the time of the information; and further, that the parent who fails to produce the child when summoned shall be liable to a penalty not exceeding twenty shillings.

11. The Board do not consider it necessary at present to do more than call the attention of the guardians generally to the other provisions of the Act which relate to proceedings against offenders, as well as to those provisions in secs. 7, 9, 10, 12, and 13, which have reference to public vaccinators, medical practitioners, and Poor Law medical officers. The Board request, however, that the guardians will direct the attention of their medical officers and public vaccinators to those provisions. The fees recoverable in certain circumstances under sec. 9 should be collected, as it seems to the Board, by the collector of the guardians, if there be one; but the guardians may, if they think fit, appoint their vaccination officers as collectors for this purpose, under the General Orders of the Poor Law Board, of the 7th October, 1865, and November 27th, 1866.

12. In conclusion, the Board desire to refer to the 16th sec. of the Act, which substitutes the Local Government Board for the Poor Law Board and for the Lords of Her Majesty's Privy Council, respectively. The Act under which the Local Government Board is established (34 and 35 Vict., c. 70) transfers to that Board the powers and duties vested in or imposed on Her Majesty's Privy Council by the enactments specified in the schedule, amongst which are the 30 and 31 Vict., c. 84 ("The Vaccination Act, 1867,") and any Acts amending it. I am further to refer to the extension given by secs. 14 and 15, of the present Act, to the powers of the Local Government Board, in substitution for the Poor Law Board, with respect to vaccination contracts and forms of certificates; and also to the duty imposed on the Board by sec. 5, of framing, providing, and distributing appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners. The Board propose to communicate with the guardians again, on the subject of these books and forms.

I am, Sir, your obedient servant,

JOHN LAMBERT,

*Secretary.*

*To the Clerk to the Guardians.*

## Appendix (B.)

### 8. *The Vaccination Act*, 1871.

Local Government Board, Whitehall,
London, S.W., 17*th October*, 1871.

Sir,

I am directed by the Local Government Board, with reference to their circular letter of this date, on the subject of the Vaccination Act of last session, to request that the guardians will inform the Board whether they have appointed any vaccination officer or officers under sec. 28 of the Vaccination Act of 1867, and if so, how many, and on what terms with respect to duties and remuneration. If, as will probably be necessary, some alterations have to be made in regard to the terms of such appointments, the particulars of the proposed alterations should be submitted to the Board. If the guardians have not hitherto made any such appointment, the Board request that they will forthwith proceed to consider the question; and will, as soon as may be practicable, submit for the approval of the Board the particulars of the plan which they may propose to adopt. If a division into districts with separate officers be resolved on, a statement should be forwarded, showing the limits and extent of the several districts, and the number of vaccination officers required, with the proposed terms of remuneration.

I am, Sir, your obedient servant,
JOHN LAMBERT, *Secretary.*

*To the Clerk to the Guardians.*

## Appendix (B.)

### 9. *Forms of Notice and Certificates of Vaccination.*

Local Government Board, Whitehall, S.W.,
*5th December*, 1871.

Sir,

I am directed by the Local Government Board to state that, in pursuance of the powers conferred upon them by the Vaccination Act of last session, they have deemed it advisable to issue an order, a copy of which is enclosed, altering the form in which notice of the requirement of vaccination is to be given by registrars of births, as well as the forms of certificates required by the Act of 1867 to be given by public vaccinators and medical practitioners with respect to vaccination.

The Board have also prescribed by the order a form of certificate of successful vaccination, to be used by the public vaccinator in cases where the vaccination has not been performed by himself.

A supply of the necessary forms, with proper directions, will be transmitted by the Registrar-General to the registrars of births and deaths.

I am, Sir, your obedient servant,

H. FLEMING, *Secretary.*

*To the Clerk to the Guardians.*

---

#### (*a.*) *General Order.*

To the Guardians of the Poor of the several Unions in England and Wales;—

To the Guardians of the Poor of the several Parishes, Townships, and Places in England and Wales under separate Boards of Guardians;—

And to all others whom it may concern.

Whereas by section 15 of "The Vaccination Act of 1867," it is enacted that registrars of births shall give notice of the requirement of vaccination in the form marked A in the schedule thereto annexed, or to the like effect; and by sections 18, 19, 20, and 21 of the same Act, public vaccinators and medical practitioners are required to give certificates relating to vaccination, in

the forms marked respectively B., C., and D. in the said schedule or to the like effect;

And whereas by sections 15 and 16 of "The Vaccination Act, 1871," it is enacted that the Poor Law Board, or the Local Government Board after its establishment, may, by order, from time to time, repeal, alter, and add to the forms contained in the said schedule;

And whereas section 12 of the last above-recited statute enacts that "where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate;"

And whereas the Local Government Board has been established:

Now, We, the Local Government Board, being of opinion that it is expedient that the forms marked respectively A., B., C., and D. in the schedule above referred to should be altered, and that a form should be prescribed in which the certificate referred to in the section last above quoted shall be given, do hereby order and direct as follows:—

Art. 1.—The forms marked respectively A., B., C., and D., in the schedule annexed to this order shall be substituted for those marked with the corresponding letters in the schedule annexed to the Vaccination Act of 1867.

Art. 2.—The certificate to be given by the public vaccinator in the cases provided for in section 12 of the Vaccination Act, 1871, shall be in the form marked E. in the schedule hereunto annexed.

Art. 3.—This order shall take effect on the First day of January next.

Provided nevertheless, that forms according to those prescribed in this order may be adopted prior to that day.

Art. 4.—The word "Unions" in this order shall include not only unions of parishes formed under the provisions of "The Poor Law Amendment Act, 1834," but also unions of parishes incorporated or united for the relief or maintenance of the poor under any other Act of Parliament.

## SCHEDULE.

### FORM (A).

## THE VACCINATION ACTS, 1867 AND 1871.

### NOTICE OF THE REQUIREMENT OF VACCINATION.

*To the Father, or Mother, or Person having the Custody of the Child herein named.*

| Copy hereunder the No. of the Entry of the Child's Birth from Register Book. |
|---|
| Entry No. |

(*a*) Insert Child's name and surname

I, the undersigned, hereby give you notice to have the child named (*a*)_____, whose birth is now registered, vaccinated by a public vaccinator or some other medical practitioner, pursuant to the provisions of the Vaccination Acts; and that in default of your doing so, you will be liable to the penalties thereby imposed for neglect of those provisions.

These Acts require every child to be vaccinated before it is three months old, or at the next public vaccination held in the district after the child has attained that age. The vaccination may, however, be postponed by medical certificate, if the child be not in a fit state to be vaccinated.

(*b*) To be filled up by the Registrar.

The following are the attendances for public vaccination in your district (*b*) :—

| Times and Places of attendance of_____Public Vaccinator. | | |
|---|---|---|
| Times. | | Places. |
| Day. | Hour. | |
| | | *at* |

After the vaccination has been performed the child must be inspected by the vaccinator, in order that, if the operation has been successful, he may fill up and sign the requisite certificate (Form D.). When the vaccination has been performed by a public vaccinator, the child must be taken to him for inspection at the appointed time on the same day in the following week.

*This paper* must be produced to the vaccinator for him to fill up and sign the proper certificate. If he be a public vaccinator it will be *his* duty to forward the paper to the vaccination officer; but if he be not a public vaccinator it will be *your* duty, after the certificate has been duly filled up and signed, to forward this paper to the vaccination officer, whose address is written on the back.

Dated this_____ day of_____ 187 .

(*Signature of Registrar*)_____

Registrar of Births and Deaths for the Sub-District of_____

in the Superintendent Registrar's District of _____

# THE VACCINATION ACTS, 1867 AND 1871.

## FORM (B.)

## MEDICAL CERTIFICATE OF POSTPONEMENT OF VACCINATION.

Directions for filling up this Certificate.

Insert in the blank spaces the following particulars:—
(*a*) Child's name and surname.
(*b*) Father's or (if the child be illegitimate) mother's name and surname.
(*c*) Child's age.
(*d*) Insert No. or name of the house, and name of the street or road, and parish, and county.

I, the undersigned, hereby certify, that I have this day examined (*a*)_____ the child of (*b*)_____, aged (*c*)_____ born at (*d*)_____ in the parish (township) of (*d*) _____ in the county (borough) of (*d*) _____ and am of opinion that the said child is in the following state of health, namely_____ and is therefore not in a fit and proper state to be sueeessfully vaccinated. I do hereby postpone the vaccination until the (*c*)_____ day of_____

(*e*) *This must not exceed two calendar months from the date of the certificate*

Dated this_____ day of _____ 18 .

(*Signed*)_____

(*f*) If the vaccinator is not a public vaccinator strike out this line.

(*f*) [Public Vaccinator of the Union (Parish) of_____.]

Medieal Practitioner duly registered.

## THE VACCINATION ACTS, 1867 AND 1871.

### FORM (C.)

### MEDICAL CERTIFICATE OF INSUSCEPTIBILITY OF SUCCESSFUL VACCINATION, OR OF CHILD HAVING HAD SMALL-POX.

Directions for filling up this certificate.

Insert in the blank spaces the following particulars:—
(*a*) Child's name and surname.
(*b*) Father's or (if the child be illegitimate) mother's name and surname.
(*c*) Child's age.
(*d*) Insert No. or name of the house, and name of the street, or road, and parish, and county.
(*e*) Strike out the words which do not apply to the case.
(*f*) *The number must not be less than three.*

I, the undersigned, hereby certify that (*a*)_____ the child of (*b*)_____ aged (*c*)_____ born at (*d*)_____ in the parish (township) of (*d*)_____ in the county (borough) of (*d*)_____ (*e*) [has been (*f*) _____ times unsuccessfully vaccinated by me, and is, in my opinion, insusceptible of successful vaccination] *or* (*e*) [has already had small-pox].

Dated this_____ day of_____ 18 .

(*Signed*)_____

(*g*) If the vaccinator is not a public vaccinator strike out this line.

(*g*) [Public Vaccinator of the Union (Parish) of_____.]

Medical Practitioner duly registered.

# THE VACCINATION ACTS, 1867 AND 1871.

## FORM (D.)

## MEDICAL CERTIFICATE OF SUCCESSFUL VACCINATION.

The Registrar to insert the No. of the entry of the child's birth in the Register Book.

Entry No.

Directions for filling up this Certificate.

Insert in the blank spaces the following particulars:—
(*a*) Child's name and surname.
(*b*) Father's or (if the child is illegitimate) mother's name and surname.
(*c*) Child's age.
(*d*) Insert the No. or name of the house, and name of the street, or road, and parish, and county.

I, the undersigned, hereby certify that (*a*) _____ the child of (*b*) _____, aged (*c*) _____ born at (*d*) _____ in the parish (township) of (*d*) _____ in the county (borough) of (*d*) _____ has been successfully vaccinated by me.

Dated this _____ day of _____ 18 .

(*Signed*) _____

(*e*) If the vaccinator is not a public vaccinator, strike out this line.

(*e*) [Public Vaccinator of the Union (Parish) of _____ ]

Medical Practitioner duly registered.

## THE VACCINATION ACTS, 1867 AND 1871.

### FORM (E.)

### MEDICAL CERTIFICATE UNDER SEC. 12 OF THE VACCINATION ACT, 1871, OF SUCCESSFUL VACCINATION.

Directions for filling up this certificate.

Insert in the blank spaces the following particulars:—

(*a*) Child's name and surname.

(*b*) Father's or (if the child be illegitimate) mother's name and surname.

(*c*) Child's age.

(*d*) Insert the No. or name of the house, and name of the street, or road, and parish, and county.

(*e*) Insert child's present residence.

I, the undersigned, being a public vaccinator of the union (parish) of _____ hereby certify, that (*a*) _____ the child of (*b*) _____, aged (*c*) _____ born at (*d*) _____ in the parish (township) of _____ in the county (borough) of _____ and now residing at (*e*) _____ has been examined by me, and that I find the said child to have been successfully vaccinated.

Dated this _____ day of _____ 187 .

(*Signed*) _____

Public Vaccinator of the Union (Parish) of _____.

Given under our Seal of Office, this Thirtieth day of November, in the year one thousand eight hundred and seventy-one.

(L. S.) JAMES STANSFELD,
*President.*

JOHN LAMBERT,
*Secretary.*

## Appendix (B.)

### 10. *Vaccination Act of* 1871.

General Register Office, Somerset House,
London, 14*th December*, 1871.

Sir,

I am directed by the Registrar-General to request your attention to certain provisions of the Act of the last session, 34 and 35 Vict., c. 98, for the amendment of the Vaccination Act of 1867, which concern you as registrar of births and deaths.

The 6th section of the new Act, which will come into operation on 1st January, 1872, provides that all the duties imposed by the Act of 1867 on the registrar of births and deaths shall be performed by the vaccination officer, except the duty, on registering a birth, of giving the notice of the requirement of vaccination to the parent or other person in charge of the child, and keeping a minute of such notice. You will be relieved at the end of the year of the duty of keeping the register of successful vaccinations, and after you shall have delivered to the guardians the half-yearly list under sec. 27 of the Act of 1867 (which will be due and must be forwarded in January next), you will no longer be required to submit any future lists under that section. By the new Act, however, you are required to transmit every month certain returns to the vaccination officer, for which you will be entitled to the fees hereinafter mentioned.

I am to request that the following instructions for your guidance in the discharge of the duties which will devolve upon you under the Vaccination Acts *on and after* 1*st January*, 1872, may be strictly attended to.

1. *Notices of Vaccination to be delivered to Parents, or other Custodians of the Children.*—After registering the birth of any child you will, as at present, give to the parent or person having the custody of the child, a "Notice of Requirement of Vaccination," in which the times and places appointed for public vaccination in the district wherein the child resides are clearly specified, and which is otherwise to be filled up according to the directions on the form, your signature

being always added. As this notice-paper, when the certificates have been signed, will have to be transmitted to the vaccination officer in whose district the child is born, it will be your duty to keep yourself informed of the name and postal address of this officer, and to insert them, at the place provided, on the back of the notice-paper. In the event of vacancy in the office of vaccination officer, the paper should be addressed to the clerk of the guardians of your union (for the vaccination officer), the clerk's postal address being duly added.

It will be your duty, as at present, to keep a minute showing (1) the date of giving the notice, and (2) to whom given; and with respect to the latter, should the notice be given to an informant, other than the parent or person having the custody of the child, for delivery to such parent or other person, *the address* as well as the name of such informant should be stated in the minute. These particulars are to be entered in the form of return of births to be made monthly to the vaccination officer.

You will keep yourself constantly informed of the times and places appointed for public vaccination in your district, and you will be scrupulously careful to insert them correctly on each notice-paper.

I am to impress upon you the importance of your never failing, after you have registered the birth of any child then living, to deliver the vaccination notice to the parent or other informant; and should such parent or informant be unable to read, it will be incumbent upon you to make him or her *verbally* acquainted with the requirements of the law and the penalty attached to their non-fulfilment. In the event of the child having died before the registration of the birth, it will of course be unnecessary to give the notice to the parent or other person.

2. *Transmission to Vaccination Officer of Lists of Births and Deaths.*—The 8th section of "The Vaccination Act, 1871," contains the following provisions:—

> "Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer whose district is wholly or partly comprised in such a place, a return, certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such registrar

as having occurred in the district of the vaccination officer to whom the return is sent.

"The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of twopence for every birth or death entered in such return; and such fee shall be paid to him out of the same funds and by the same persons and in the like manner as the fees for giving the notices under sec. 15 of the principal Act."

Forms prepared pursuant to the Act for the purpose of enabling you to make the returns under this section will be issued from time to time by the Registrar-General. These returns (which are to be made monthly) are two; (*a*) a return of all births registered during the preceding month, and (*b*) a return of all the deaths of infants under twelve months of age so registered. You will make and transmit the *first returns* of births and deaths to the vaccination officer or officers of your district *on the 1st February, 1872, or within three days thereafter*; and in this you will include all births and all deaths of infants under one year of age registered by you from the 21st August, 1871 (when the new Act received the Royal assent), to the 31st January, 1872, as having occurred in the district of the vaccination officer to whom the return is sent. In like manner, you will, *within three days after the first day of each succeeding month*, transmit to the vaccination officer the lists of births and of the deaths of infants under one year old registered during the preceding month. In the form for births the columns in Divisions I. and II. are required to be filled up by you, as registrar; those in Division III. are to be left blank to be filled up by the vaccination officer. Each sheet should, if necessary, contain writing on both sides, and the certificate at the bottom of the page must be duly filled up and signed by you. The sheets are to be forwarded to the vaccination officer regularly at the beginning of each month, and if sent by post, the postage is to be *prepaid;* the sums so expended are to be charged to this department and specified in your quarterly account of expenses to be delivered to the superintendent registrar. The packet should be left open at both ends, in conformity with the postal regulations for book post, and stamps affixed accordingly.

3. *Fees.*—For the due performance of the duties above referred to, you will be entitled to receive from the guardians of the union (or parish) the undermentioned fees:—

For every notice of requirement of vaccination

given to the parent, &c., and duly minuted by you, of each living child whose birth you have registered. (Sec. 24 of the Act of 1867) . . . 1*d.*

For every birth or death entered in the monthly returns transmitted to the vaccination officer (Sec. 8 of the Act of 1871) . . . . . 2*d.*

which fees you will be entitled to receive whether you shall or shall not be appointed a vaccination officer.

At the end of each quarter you will make out an account of the fees to which you are entitled under the Vaccination Acts, and submit the same to the guardians for payment. On the examination of your account the register of vaccinations in the hands of the vaccination officer will be referred to; and should you be required, for the purpose of supporting your claim, to produce the register books of births and deaths, it will be proper for you to do so.

4. *The Vaccination Registers.*—As soon as may be convenient after transmission of the list of defaulters which will be due in January next, you will deliver over to the vaccination officer all the vaccination registers in your custody; and any certificates of successful vaccination received by you after December 31st, 1871, are to be sent by you to the vaccination officer.

5. *Half-yearly Lists of Defaulters.*—Within one week after the 1st of January next it will be your duty to submit to the guardians the half-yearly list of cases in which certificates of vaccination have not been duly received by you respecting children born on or prior to the 31st of August last, in conformity with the instructions given in circular letter dated 1st November, 1867.

6. *Prosecutions.*—By sec. 33 of "The Vaccination Act, 1867," registrars were empowered by their own authority to take proceedings against persons liable, on summary conviction, to penalties under the Act. As registrar, however, you will no longer have any authority to institute such proceedings; nevertheless it will be proper for you to afford reasonable assistance to the vaccination officer in prosecutions for violation of the Vaccination Acts.

7. *Postages.*—You will continue to defray unpaid postage of vaccination certificates upon notices given by you prior to January 1st, 1872, and therefore properly addressed to yourself, charging the amount in your quarterly account to be delivered to the superintendent registrar. Should any certificates which should have been sent to the vaccination officer reach you by post, it will be proper for you to pay the

postage demanded and request the clerk to the guardians or the vaccination officer to repay you the amount. No certificate is to be refused because the postage is not pre-paid.

---

You will herewith receive a supply of forms of "Notice of the Requirement of Vaccination," with the certificates (forms B, C, and D) attached, together with a supply of the necessary forms for making the monthly returns to the vaccination officer. Further quantities will be issued as they may be required, on your application to this office in the usual manner.

I am, Sir, your obedient servant,

JAMES T. HAMMICK,
*Secretary.*

*To the Registrar of Births and Deaths.*

## (*a*) THE VACCINATION ACTS, 1867 AND 1871.

## NOTICE OF THE REQUIREMENT OF VACCINATION.

*To the Father, or Mother, or Person having the Custody of the Child herein named.*

| Copy hereunder the No. of the Entry of the Child's Birth from the Register Book. |
|---|
| Entry No. |

I, the undersigned, hereby give you notice to have the child named (*a*) _____ whose birth is now registered, vaccinated by a public vaccinator or some other medical practitioner, pursuant to the provisions of the Vaccination Acts; and that in default of your doing so, you will be liable to the penalties thereby imposed for neglect of those provisions.

(*a*) Insert Child's name and surname.

These Acts require every child to be vaccinated before it is three months old, or at the next public vaccination held in the district after the child has attained that age. The vaccination may, however, be postponed by medical certificate, if the child be not in a fit state to be vaccinated.

The following are the attendances for public vaccination in your district (*b*) :—

(*b*) To be filled up by the Registrar.

Times and Places of attendance of _____ Public Vaccinator.

| Times. | | Places. |
|---|---|---|
| Days of the Week. | Hours of the Day. | |
| | | *at* |

After the vaccination has been performed the child must be inspected by the vaccinator in order that, if the operation have been successful, he may fill up and sign the requisite certificate (Form D.). When the vaccination has been performed by a public vaccinator, the child must be taken to him for inspection at the appointed hour on the same day in the following week.

THIS PAPER must be produced to the vaccinator for him to fill up and sign the proper certificate. If he be a public vaccinator it will be *his* duty to forward the paper to the vaccination officer; but if he be not a public vaccinator it will be *your* duty, after the certificate has been duly filled up and signed, to forward this paper to the vaccination officer, whose address is written on the back.

Dated this_____day of_____18 .

(*Signature of Registrar*)_____

Registrar of Births and Deaths for the Sub-District of_____

in the Superintendent Registrar's District of_____

[THIS PAPER MUST BE SENT ENTIRE

## THE VACCINATION ACTS, 1867 AND 1871.

### FORM B.

### MEDICAL CERTIFICATE OF POSTPONEMENT OF VACCINATION.

---

Directions for filling up this Certificate.

Insert in the blank spaces the following particulars:—
(*a*) Child's name and surname.
(*b*) Father's (or, if the child be illegitimate, mother's) name and surname.
(*c*) Child's age.
(*d*) Insert No. or name of the house, and name of the street, or road, and parish, and county.

I, the undersigned, hereby certify, that I have this day examined (*a*) _____ the child, of (*b*) _____ aged (*c*) _____ born at (*d*) _____ in the parish (township) of (*d*) _____ in the county (borough) of (*d*) _____ and am of opinion that the said child is in the following state of health, namely _____ and is therefore not in a fit and proper state to be successfully vaccinated. I do hereby postpone the vaccination until the (*e*) _____ day of

(*e*) *This must not exceed two calendar months from the date of the certificate.*

Dated this _____ day of _____ 18

(*Signed*) _____

(*f*) If the vaccinator is not a public vaccinator, strike out this line.

(*f*) [Public Vaccinator of the Union (Parish) of _____.]

Medical Practitioner duly registered.

For notice as to the transmission of this certificate, *see below* (p. 167).

TO THE VACCINATION OFFICER.]

## FORM C.

## MEDICAL CERTIFICATE OF INSUSCEPTIBILITY OF SUCCESSFUL VACCINATION, OR OF CHILD HAVING HAD SMALL-POX.

Directions for filling up this certificate.

Insert in the blank spaces the following particulars:—
(*a*) Child's name and surname.
(*b*) Father's or (if the child be illegitimate, mother's) name and surname.
(*c*) Child's age.
(*d*) Insert No. or name of the house, and name of the street, or road, and parish, and county.
(*e*) Strike out the words which do not apply to the case.
(*f*) *This number must not be less than three.*

(*g*) If the vaccinator is not a public vaccinator strike out this line.

I, the undersigned, hereby certify that (*a*) _____ the child of (*b*) _____ aged (*c*) _____ born at (*d*) _____ in the parish (Township) of (*d*) _____ in the county (borough) (*d*) _____ (*e*) [has been (*f*) _____ times unsuccessfully vaccinated by me, and is, in my opinion, insusceptible of successful vaccination] *or* (*e*) [has already had small-pox.]

Dated this _____ day of _____ 18 .

(*Signed*) _____

(*g*) [Public Vaccinator of the Union (Parish) of _____.]

Medical practitioner duly registered.

## NOTICE AS TO TRANSMISSION OF CERTIFICATES (FORMS B. AND C.).

The certificate, if given by a public vaccinator, is to be transmitted *by him* through the post to the vaccination officer, whose address is on the other side. The public vaccinator is bound, upon request, and without fee or charge, to deliver to the parent or person having the custody of the child a duplicate so transmitted by him.

The certificate, if given by any other medical practitioner, is to be transmitted by post to the vaccination officer, whose address is on the other side, by *the parent or person* having the custody of the child.

In either case it must be transmitted within *seven* days after the examination of the child upon which the certificate is founded.

*In cases in which the certificate is one of postponement, this paper will be returned, or another will be supplied, by the vaccination officer.*

---

## FORM D.

## MEDICAL CERTIFICATE OF SUCCESSFUL VACCINATION.

The Registrar to insert the No. of the entry of the child's name in the Register Book.

Entry No. {

Directions for filling up this certificate.

Insert in the blank spaces the following particulars:—

(*a*) Child's name and surname.

(*b*) Father's (or, if the child be illegitimate, mother's) name and surname.

(*c*) Child's age.

(*d*) Insert the No. or name of the house, and name of the street, or road, and parish, and county.

I, the undersigned, hereby certify that (*a*) _____ the child of (*b*) _____ aged (*c*) _____ born at (*d*) _____ in the parish (township) of (*d*) _____ in the county (borough) of (*d*) _____ has been successfully vaccinated by me.

Dated this _____ day of _____ 18 .

(*Signed*) _____

(*e*) If the vaccinator is not a public vaccinator, strike out this line.

(*e*) [Public Vaccinator of the Union (Parish) of _____.]

Medical practitioner duly registered.

## NOTICE AS TO TRANSMISSION OF CERTIFICATE (FORM D).

NOTICE.—This certificate, if given by a public vaccinator, is to be transmitted *by him*, through the post, to the vaccination officer, whose address is on the other side. The public vaccinator is bound, upon request, and without fee or charge, to deliver a duplicate of this certificate to the parent or person having the custody of the child.

This certificate, if given by any other medical practitioner, is to be transmitted by post to the vaccination officer, whose address is on the other side, by *the parent or person* having the custody of the child.

In either case it must be transmitted within *seven* days after it has been ascertained that the operation has been successfully performed.

---

## PENALTIES UNDER THE VACCINATION ACT.

"Every parent or person having the custody of a child who shall neglect to take such child, or to cause it to be taken, *to be vaccinated, or after vaccination to be inspected*, according to the provisions of this Act, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty not exceeding *twenty shillings*." (30 and 31 Vict., c. 84, s. 29.)

Public vaccinators and parents *failing to transmit the certificates to the vaccination officer*, are liable on summary conviction to a penalty not exceeding *twenty shillings*.

---

## VACCINATION CERTIFICATE.

*To Mr.* _____

*Vaccination Officer,*

*of the* _____ *Union [Parish]*

*Postal address* _____

_____

(*b.*) RETURN of all Births Registered during the Month of

District of_____within the District of Mr._____

Officer, made under 34 and 35 Vict., c. 98, s. 8.

I. Extracts from the Register Book of Births relating to each Child.

| No. in Birth Register. | When born. | Where born.* | Name, if any, of child. | Sex. | Name and Surname of the Father, or (if the child be illegitimate) of the Mother. | Rank, Occupation or Profession of Parent. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

I certify that this is a true return. Witness my hand this_____

of_____18 .

_____ *Registrar.*

* Be careful to insert such particulars as will enable the Vaccinati Officer readily to find the address.

in the Sub-

Vaccination

_____Union [Parish]

_____District.

Register kept by Mr._____Vaccination Officer.

| II. Minutes of Notice given pursuant to 30 and 31 Vict., c. 84, s. 15. | | III. Register of Certificates. | | | IV. | V. |
|---|---|---|---|---|---|---|
| When given. | To whom given. | Date of Medical Certificate of *Successful* Vaccination. | Date of Certificate of *Insusceptibility* or of having had *Small-pox.* (Enter "Ins." or "S.P.," as case may be.) | Name of the Medical Man by whom the Certificate is signed. | Date of Death in case of Child being Dead before Vaccination. | Reference to consecutive number in the Officer's "Report Book" in cases transferred thereto. |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | |

_____day

(*c.*) RETURN OF DEATHS of Infants under Twelve Months of Age, Registered during the month of _____ in the Sub-District of _____ within the District of Mr. _____ Vaccination Officer, made under 34 and 35 Vict., c. 98, s. 8.

| Extracts from the Register Book of Deaths relating to each Child. | | | | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| No. in Death Register. | When Died. | Where Died. | Name and Surname of Infant. | Sex. | Age. | Name and Surname of the Father, or (if the child be illegitimate) of the Mother. | Rank, Occupation, or Profession of Parent. | No. in Birth Register if registered in this Sub-District, and the Registrar is in possession of the Registrar. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

I certify this to be a true Return. Witness my hand this _____ day of _____ 18 .

## Appendix (B.)

### 11. *Vaccination Act of* 1871.

Local Government Board,
23*rd December*, 1871.

Sir,

Herewith I forward to you, by direction of the Local Government Board, three copies of the instructions to vaccination officers issued by the Board. Should you be in want of any more copies they will be supplied on application.

I am to request that these instructions may be brought under the notice of the guardians, and that one or more copies may be given to each vaccination officer. The guardians will observe that they apply to the vaccination officers already appointed, as well as to those who may hereafter be appointed.

If the guardians have not already made the necessary appointments, these must be made forthwith, and submitted for the approval of the Local Government Board.

Where no vaccination officer has been appointed on the 1st of January next (at which date the Act of 1871 comes into operation), the registrars in the union must be instructed to address the forms delivered to parents and others on the registration of a birth, to you, as clerk to the guardians, "For the Vaccination Officer." When a vaccination officer has been appointed, notice of his appointment, of the district for which he is to act, and of his address, must be given to the registrars.

As some books of vaccination certificates for the use of public vaccinators and medical practitioners in the union will shortly be sent to you for distribution by the vaccination officers, in accordance with sec. 16 of the enclosed instructions, I am to request that the Board may be informed, with as little delay as possible, what number (1) of public vaccinators and (2) of other medical practitioners there are in your union.

I am, Sir, your obedient servant,
JOHN LAMBERT, *Secretary.*

## (*a.*)—*Instructions to Vaccination Officers, issued by the Local Government Board.*

1. The duties of a vaccination officer, whether already appointed or hereafter appointed by the guardians, will be to act as registrar of vaccination for the district to which he is appointed; to see that all children resident therein are duly vaccinated; and, generally, to carry into effect, under direction of the guardians, all such provisions of the Vaccination Acts as are not expressly assigned to the execution of other officers.

2. He will receive from the registrars of births and deaths, and will be responsible for the safe custody of, the "monthly lists" of births and deaths which will be sent to him under the provisions of the Act of 1871 (*a*). The first of these lists will be due on the 1st of February, 1872, or within three days thereafter. On the lists of births he will duly enter in columns which are provided for the purpose, as shown in the annexed form, all certificates he may receive of the successful vaccination of the children whose names are entered on the lists, or of their insusceptibility to vaccination, or of their having already had small-pox. All such entries must be made immediately on the receipt of the respective certificates. He will compare each monthly list of deaths with the corresponding and with preceding lists of births, and as regards any children included in the death-return whose names are on the birth-lists, but for whom he had not received one of the certificates above referred to, he will enter the death, in the column provided. An alphabetical index to his birth-lists will greatly facilitate this comparison. And when, on his personal inquiries, or by information from the vaccination officer of another district, or on other reliable authority, he shall have ascertained that a child included in the birth-lists for his district has died in some other district, he shall write off the case in like way.

3. He will enter at the end of each quarter, on blank "birth-list" sheets which will be supplied him for the purpose, certificates which he may have received during the quarter of the successful vaccination, or insusceptibility to vaccination, of children whose births had not been registered at all, or whose district of birth-registration he has been unable to ascertain.

4. The monthly lists of births, together with the supple-

(*a*) See the forms prescribed by the Registrar-General, *ante*, p. 170-172.

mental sheets referred to in sec. 3, shall in the first instance be kept stitched, or otherwise fastened together, in a stiff cover, so as to preserve them from damage or dirt, and shall from time to time be bound into volumes as the guardians may direct, and shall constitute the "vaccination register" of the district.

5. If any list of births or deaths be not received from a registrar within one week from the time it is due, the vaccination officer shall report this to the guardians at the next board meeting, with a view to the registrar being immediately called upon for an explanation, and, if need be, to communication with the Local Government Board. A vaccination officer who shall lose any of these lists shall be bound to obtain another from the registrar of births and deaths at his own cost.

5. The steps that the vaccination officer will be required to take in discharge of his duty to see that all children entered on the birth-lists are duly vaccinated will vary, according as the vaccination district in which the parent resides is one in which continuous weekly public vaccination is maintained, or one in which the public performance of vaccination is only periodical.

i. As regards districts in which there is continuous weekly public vaccination:—

(*a.*) He will keep his birth-lists examined from week to week, and in each case of default which may arise he will, *immediately on such default arising*, intimate the fact to the parent. For this purpose a notice in the annexed form A, or to the like effect, may be used; and such notice may, if he think fit, be sent by post. He should make a mark ✓ in the margin of his vaccination register in each case in which this intimation of default has been given. If the intimation be not attended to within a reasonable time, say fifteen days, or if, in the case of a notice sent by post, the person to whom it was addressed has not been found by the post office, the vaccination officer shall at once proceed to make *personal* inquiries with a view to obtaining the requisite certificate or taking the necessary proceedings.

(*b.*) If on these personal inquiries the parent be found in default, an exact date should be specified by which he must have complied with the law; and a notice in the annexed form B, or to the like effect, should be given.

(*c.*) Failing compliance, the vaccination officer (unless he shall have been authorized by any general resolu-

tion of the guardians to take legal proceedings without further instructions) will report the case to the guardians at their next board meeting for their instructions thereon.

ii. As regards districts in which the public vaccination is periodical.

(*a.*) He will, *previous to each vaccination period*, examine his birth-lists, and extract therefrom the names of all parents who would fall into default provided their children were not vaccinated before the termination of the next ensuing attendances, in order that intimation to this effect may be given to such parents *a few days before the attendances commence*, with warning of the penalties which will result from non-compliance. The annexed form C, or to the like effect, may be used for this purpose. He should make a mark √ in the margin of his vaccination register, against each case in which this intimation has been given.

(*b.*) And failing compliance, he will inquire personally into the circumstances of the case, and (unless he shall have been authorized by any general resolution of the guardians to take legal proceedings without further instructions) report the case to the guardians at their next board meeting for their instructions thereon.

6. He will keep a book to be called "The Vaccination Officer's Report Book," according to the annexed form, in which he will enter the names, with the other particulars required, of parents of whom personal inquiries may have been made, as above, with the dates of such inquiries. He will note in this book any further action taken in any case, and make any remarks which the case calls for. He will take care to make the necessary reference in column V of his "vaccination register" to each case thus entered in the report book.

7. When on his inquiries the vaccination officer finds that a child has been successfully vaccinated, but the vaccination not certified, or that any other certificate due, as of postponement &c., has not been transmitted, he shall ascertain with whom the default rests, having regard to the requirements of the Vaccination Act, 1867, secs. 21, 23, 30, and Vaccination Act, 1871, sec. 7, and shall forthwith take the necessary steps for obtaining the certificate required.

8. All certificates of postponement shall be entered in the report book, with the date of the certificate, the name of the practitioner who signed it, and the period for which it

was given, with a view to any inquiries which may be necessary at the expiration of that period. He will take care to make the necessary reference in column V of his "Vaccination Register" to each case so entered. When certificates of postponement are delivered to him on the form of "Notice of Requirement," he will see that the parent is always supplied with a new form of the notice of requirement, with the particulars of attendance, &c., duly filled in.

9. When the vaccination officer shall find that any parent, respecting whose child he has not received a certificate of successful vaccination, has removed from the district, he shall take pains to ascertain the vaccination officer's district to which such removal has taken place, and shall give notice to the vaccination officer of that district, with a view to the vaccination of the child, and the due return of the certificate to himself. And whenever a certificate respecting a child whose birth was registered in the district of some other vaccination officer is sent to him, he shall take pains to ascertain the district in which the birth took place, and forward the certificate accordingly.

10. He shall submit to the guardians, in duplicate, at the end of every quarter or half-quarter, as they may direct, a summary of his report book, in the form to be prescribed by the Local Government Board, the duplicate to be transmitted to the Local Government Board.

11. The vaccination officer will at all times use his best endeavours to ascertain whether children resident in his district, but not having been born in it, or (if so born) not having had their births registered in it, are unvaccinated, and will, in such cases, take the requisite steps for procuring their vaccination.

12. He will, on outbreaks of small-pox, make any house to house visitations which the Local Government Board or the guardians may direct in reference to vaccination, and will carry out any special instructions they may issue on the subject.

13. As the guardians' officer for the administration of the Vaccination Acts, he will see that the registrars of births and deaths in his district are kept informed of the arrangements for public vaccination as settled by the contracts, and of all alterations legally made in such arrangements, as well as of his own place of abode, in order that the entries required to be made in these respects by the registrars on the notices of requirement of vaccination delivered by them to parents may be correct. The best course

will be for the guardians to have the particulars of the arrangements, and the name and address of the vaccination officer, printed in red ink on the notice forms with which each registrar is supplied.

14. He will also see that public notifications of the arrangements for public vaccination are duly given; and especially in districts in which public vaccination is periodical, will see that such notices are distributed and placarded through the districts a week or ten days before the commencement of each period.

15. He will, as far as possible, attend the public vaccination stations during vaccinating hours, and report to the guardians any insufficiency of accommodation at these stations, or any failure of parents to bring for inspection the children on whom vaccination has been performed, or any other matter concerning the business of the station on which the guardians may require his report.

16. He will also undertake the distribution of the certificates, books, and other forms issued by the Local Government Board, to the public vaccinators and medical practitioners in his district.

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17. The vaccination officer will further have to inquire into the circumstances of the cases included in the default-lists under the Act of 1867, which will be presented by the registrars of births and deaths in the first week of January, 1872, as well as into any other cases in previous default-lists under that Act, which remain unaccounted for in the "registers of successful vaccination." In districts in which there is continuous weekly public vaccination, he will forthwith make the personal inquiries into these cases, and follow the further course prescribed above in section 5; in districts in which the public vaccination is periodical, he will (except when the ordinary period of attendances is at hand, or where the defaults are so few as to render this course unnecessary) submit to the guardians to direct special attendances to be at once given for three or four weeks, with the view of clearing off these past defaults; and he will, in either case, give notice to the parents in default, a few days before the attendances for public vaccination commence, requiring the vaccination to be then done, and will, in all cases in which this notice has been neglected, forthwith make personal inquiries, and (unless he shall have been authorized by any general resolution of the guardians to take legal proceedings without further in-

structions) report the cases to the guardians for their instructions.

18. He will receive from the registrars of births and deaths of his district, early in January, 1872, and will be responsible for the safe custody of, the "registers of successful vaccinations" which have been kept by those officers under the Acts of 1853 and 1867. The registers kept under the Act of 1853 may, if the guardians permit, be deposited in the union offices; but all registers which contain entries of births subsequent to December 31, 1867, must be retained by the vaccination officer. He will duly and forthwith enter in these registers the certificates which he may receive or obtain of the successful vaccination of children whose births are therein recorded. He will write the word "dead" against the names of any of the children whose births are entered in these registers, whom he may ascertain either by monthly death-lists, or by his own inquiries, to have died without having been vaccinated. And he will write, *in pencil*, against the respective names, any information (as of removal from district, certificate of postponement and its date, &c.) which does not finally dispose of the case.

JOHN SIMON, *Medical Officer.*

Issued by direction of the Local Government Board, this 21st day of December, 1871.

JOHN LAMBERT, *Secretary.*

(*b.*)—NOTICE A.

(*This may, if thought fit, be sent by post.*)

VACCINATION ACTS, 1867 AND 1871.

*To*_____

I HEREBY remind you that I have not received the certificate now due respecting the vaccination of your child, A. B., and I beg that you will take the steps necessary to have such certificate forwarded to me without delay.

(Signed) Y. Z.,

*Vaccination Officer for*

_____

*Dated*_____

*** The public vaccinator for your district attends at his station at for the gratuitous performance of vaccination every at o'clock. If the child be vaccinated there, the public vaccinator is responsible for the transmission of the certificate to me, otherwise it devolves UPON YOURSELF to send me the certificate.

(*c.*)—NOTICE B.

(*To be given only on, or after, Personal inquiry.*)

VACCINATION ACTS, 1867 AND 1871.

*To*_____

WHEREAS you are in default under the above Acts, respecting your child, A. B., I hereby require you [to have the said child vaccinated within fourteen days from the date hereof, and do all other things the law requires touching the said vaccination] (*a*) *or* [to transmit to me within

(*a*) The public vaccinator for your district attends at his station at for the gratuitous performance of vaccination every at o'clock. If the child be vaccinated there, the public vaccinator is responsible for the transmission of the certificate to me, otherwise it devolves UPON YOURSELF to send me the certificate.

seven days from the date hereof the requisite certificate concerning the vaccination of the said child], failing which it will be my duty to report your case in order that proceedings may be taken as the law directs.

(Signed) Y. Z.,

*Vaccination Officer for*

_____

*Dated*_____

_____

(*d.*)—NOTICE C.

For use in Districts in which the Public Vaccination is periodical.

(*This notice may, if thought fit, be sent by post.*)

VACCINATION ACTS, 1867 AND 1871.

*To*_____

I HEREBY remind you that the next appointed periodical attendances for the performance of public vaccination in your district will take place at [*state place*] on [*state the days and times appointed*], and that if your child, A. B., be not vaccinated before the expiration of that period, you will be in default and subject to the penalties of the Vaccination Acts; and that it will be my duty to report the case, in order that proceedings may be taken as the law directs.

(Signed) Y. Z.,

*Vaccination Officer for*

_____

*Dated*_____

(*e.*)—VACCINATION

| Consecutive number in this book. | Birth Registration District. | No. on Birth Register. | Name of Child. | Address of Parent. | Date or Dates of Personal Inquiries. | Case duly accounted for, and entered in the "Vaccination Register. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

NOTE.—When a certificate of postponement is renewed, the case is
Cases of children found unvaccinated on the officer's inquiries, who
ren were born in England on and after January 1, 1868, the vaccination
vaccination officer's district the birth took place, and forward the certi-

OFFICER'S REPORT BOOK.

| Vaccination postponed by Medical Certificate. | | | Case not found; or Parents removed out of District, and where. | In Default, and date when so Reported to Guardians. | Note of any Proceedings ordered or taken. | Remarks. |
|---|---|---|---|---|---|---|
| Date of Certificate. | By whom given. | Date to which Postponed. | | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | |

to be re-entered. All re-entries are to be made in red ink.
are not on the birth lists, are to be entered in this book. If the child-
officer will, on having obtained the vaccination, find if possible in what
ficate to such officer.

## Appendix (B.)

### 12. *Vaccination Officers.*

Local Government Board, Whitehall, S.W.,
*24th January*, 1872.

Sir,

I am directed by the Local Government Board, with reference to their circular letter of the 23rd ult., to forward to you the following copy of a general order which they have now deemed it advisable to issue, prescribing regulations with regard to the appointment of vaccination officers under the provisions of the Vaccination Act, 1871.

I am, Sir, your obedient servant,

JOHN LAMBERT, *Secretary.*

*To the Clerk to the Board of Guardians.*

---

(*General Order.*)

TO THE GUARDIANS OF THE POOR of the several Unions in England and Wales;—

TO THE GUARDIANS OF THE POOR of the several Parishes, Townships, and Places in England and Wales under separate boards of guardians:—

And to all others whom it may concern.

Whereas by section 5 of "The Vaccination Act, 1871," it is provided as follows;—

"Subject to the provisions of this Act, the Poor Law Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply mutatis mutandis."

Now We, the Local Government Board (to whom the powers given by the above section have been transferred by

section 16 of the said Act), deeming it expedient that regulations should be made with respect to the appointment of vaccination officers by boards of guardians, and also as to the tenure of office, execution of duties, and remuneration of such officers, do hereby order and direct as follows:—

I.—*Appointment.*

Art. 1. Where the guardians of any union or parish have not already appointed any vaccination officer under the provisions of the above-recited Act, they shall do so forthwith.

Where the number of vaccination officers already appointed or hereafter appointed in any union or parish shall at any time, in the opinion of the guardians or of the Local Government Board, be insufficient for the purpose of securing the due execution of the Vaccination Acts in such union or parish, the guardians shall, in accordance with their own view or on the requisition of the Local Government Board, appoint a sufficient number of such officers.

Whenever, in consequence of an extensive outbreak of small-pox, or for other cause, it may appear to the guardians to be requisite to provide temporary assistance for any vaccination officer in the discharge of his duties, the guardians may, with the consent of the Local Government Board, appoint an assistant to the vaccination officer, for such time as the guardians may deem necessary.

Art. 2. Every appointment of a vaccination officer, or assistant vaccination officer, hereafter made by the guardians, shall be made by a majority of the guardians voting on the question, and in the same manner as that in which the guardians are required to appoint other officers or assistants.

Art. 3. Every such appointment shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the guardians.

Art. 4. In the event of a vacancy in such office occurring at any time hereafter, the guardians shall report it to the Local Government Board, and shall make a fresh appointment without delay, unless the Local Government Board shall otherwise direct.

II.—*Tenure of Office.*

Art. 5. Every vaccination officer appointed under this order shall continue to hold the office until he die, or resign, or be removed by the guardians with the consent of the Local Government Board, or by the Local Government Board.

Art. 6. Where a vaccination officer is appointed for a

particular district, and any change in the extent of the district may be deemed necessary, and he shall decline to acquiesce therein, the guardians may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk, given to such vaccination officer, determine his office.

Art. 7. No person shall be appointed as a vaccination officer who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

Art. 8. If any such officer give notice of an intended resignation to take effect on a future day, such resignation shall take effect on that day; and the guardians may elect a successor at any time subsequent to such notice.

### III.—*Execution of Duties.*

Art. 9. No vaccination officer shall perform the duties of his office by deputy, unless, with the permission of the Local Government Board, given on the application of the guardians, he shall be allowed to entrust their performance to some other person approved of by such guardians.

Art. 10. Every vaccination officer, in performing his duties under the Vaccination Acts, shall obey all lawful orders of the guardians applicable to his office, and shall duly observe and execute all instructions and directions that may be issued or given to him from time to time by the Local Government Board.

### IV.—*Remuneration.*

Art. 11. The guardians shall pay to any vaccination officer such salary and remuneration, and such only, as the Local Government Board may direct or approve, whether for ordinary duties or for occasional services; and such salary or remuneration may be increased or reduced as that Board may from time to time direct or approve.

Art. 12. The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold office and no longer, subject to any deduction which the guardians may be entitled to make under Art. 7; a proportionate sum being paid to the executors or administrators of the officer in case he should die whilst holding such office.

Art. 13. The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual feast days in the year, namely, Lady Day, Midsummer Day,

Michaelmas Day, and Christmas Day; but the guardians may pay to him at the expiration of every calendar month such proportion as they may think fit on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Art. 14. Every such officer shall make out his account at the end of each quarter, and within three days from the quarter day submit it to the guardians, together with the books which he may be required to keep, and the certificates in his possession; and until such account, books, and certificates have been so submitted, and until he has shown that proper steps have been taken by him with respect to every case entered on the monthly lists furnished to him by the registrars of births and deaths during the quarter, the guardians may postpone the payment of the balance of the salary or remuneration which may then remain due.

The vaccination officer shall also produce the said books and certificates to the guardians when required by them to do so, at any other times than those above specified.

Art. 15. The word "unions" in this order shall include not only unions of parishes formed under the provisions of "The Poor Law Amendment Act, 1834," but also unions of parishes incorporated or united for the relief or maintenance of the poor under any other Act of Parliament.

Given under our seal of office, this twenty-third day of January, in the year one thousand eight hundred and seventy-two.

(L. S.) JAMES STANSFELD, *President.*

JOHN LAMBERT, *Secretary.*

## Appendix (B.)

### 13. *Vaccination Act of* 1871.

Local Government Board (Medical Department), Whitehall, S.W.,
*February* 14, 1872.

Sir,

I herewith forward to you, by direction of the Local Government Board,_____of the vaccination officers' *Report Books*, and some of the *Books of Notices* for the use of vaccination officers, referred to in Arts. 5 and 6 of the Board's Instructions to Vaccination Officers, dated the 21st December last.

I am to request that these books may be distributed to the vaccination officers in the _____ Union; and that you will take especial care that all the officers, *in whose districts there are attendances for vaccination at quarterly or longer intervals*, are furnished with the books of Notice "C."

Further copies of the books will, when required, be sent on your application. Such applications should, in all cases, specify the particular books required.

I am, Sir, your obedient servant,

JOHN SIMON.

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# SUPPLEMENT.

[*The following Instructions are now substituted for those which were prescribed by the order of Council, dated 1st December, 1859.*]

At the Council Chamber, Whitehall, the 29th day of July, 1871.

By the Lords of Her Majesty's Most Honourable Privy Council.

PRESENT,

Lord President.
Mr. Secretary Bruce.
Mr. W. E. Forster.

WHEREAS by "The Public Health Act, 1858", and by an Act since passed, to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they shall think fit for (among other things) securing the efficient performance of vaccination by the persons already or thereafter to be contracted with; and whereas their Lordships, on the first day of December, one thousand eight hundred and fifty nine, ordered (among other things) that all vaccinations and inspections under contract should be performed in accordance with certain "Instructions to Vaccinators under Contract" annexed to the Order now in recital; and whereas by "The Vaccination Act, 1867," the Lords of Her Majesty's Council are authorised (among other things) to make regulations to secure the efficient performance of vaccination:

Now therefore, it is hereby ordered by the Lords and others of Her Majesty's Most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one), that:—

1. The Order of the first day of December, one thousand eight hundred and fifty-nine, is hereby repealed, so far as the same required vaccinations and inspections under contract to be performed in accordance with the "Instructions to Vaccinators under Contract" annexed thereto.

2. All Vaccinations and inspections under contract, whether the contracts may have been made before, or may be made after the date of this Order, shall be performed in accordance with the "Instructions for Vaccinators under Contract" hereto annexed.

(Signed) JOHN SIMON.

## *Instructions for Vaccinators under Contract.*

1. Except so far as any immediate danger of small-pox may require, vaccinate only subjects who are in good health. As regards infants, ascertain that there is not any febrile state, nor any irritation of the bowels, nor any unhealthy state of skin; especially no chafing or eczema behind the ears, or in the groin,

or elsewhere in folds of skin. Do not, except of necessity, vaccinate in cases where there has been recent exposure to the infection of measles or scarlatina, nor where erysipelas is prevailing in or about the place of residence.

2. In all ordinary cases of primary vaccination, if you vaccinate by separate punctures, make such punctures as will produce at least four separate good-sized vesicles, not less than half an inch from one another; or, if you vaccinate otherwise than by separate punctures, take care to produce local effects equal to those just mentioned.

3. Direct care to be taken for keeping the vesicles uninjured during their progress, and for avoiding afterwards the premature removal of the crusts.

4. Enter all cases in your Register on the day when you vaccinate them, and with all particulars required in the Register up to column 9 inclusive. Enter the results on the day of inspection. Never enter any results which have not been inspected by yourself, or your legally qualified deputy. In cases of primary vaccination, register as "successful" only those cases in which the normal vaccine vesicle has been produced; in cases of revaccination, register as "successful" only those cases in which either vesicles, normal or modified, or papules surrounded by areolæ, have resulted. When the vaccination of an unsuccessful case is repeated, it should be entered as a fresh case in the Register.

5. Endeavour to maintain in your district such a succession of cases as will enable you uniformly to vaccinate with liquid lymph directly from arm to arm; and do not, under ordinary circumstances, adopt any other method of vaccinating. To provide against emergencies, always have in reserve some stored lymph;—either *dry*, as on thickly-charged ivory points, constantly well protected from damp; or *liquid*, according to the method of Dr. Husband of Edinburgh, in fine, short, uniformly capillary (not bulbed) tubes, hermetically sealed at both extremities. Lymph, successfully preserved by either of these methods, may be used without definite restriction as to time; but with all stored lymph caution is necessary, lest in time it have become inert, or otherwise unfit for use. If, in order to vaccinate with recent liquid lymph, you convey it from case to case otherwise than in hermetically-sealed capillary tubes, do not ever let more than eight hours intervene before it is used.

6. Consider yourself strictly responsible for the quality of whatever lymph you use or furnish for vaccination. Never either use or furnish lymph which has in it any, even the slightest, admixture of blood. In storing lymph, be careful to keep separate the charges obtained from different subjects, and to affix to each set of charges the name, or the number in your Register, of the subject from whom the lymph was derived. Keep such note of all supplies of lymph which you use or furnish, as will always enable you, in any case of complaint, to identify the origin of the lymph.

7. Never take lymph from cases of re-vaccination. Take lymph only from subjects who are in good health, and, as far as you can ascertain, of healthy parentage; preferring children whose families are known to you, and who have elder brothers or sisters of undoubted healthiness. Always carefully examine the subject as to any existing skin-disease, and especially as to any signs of hereditary syphilis. Take lymph only from well-characterised, uninjured vesicles. Take it (as may be done in all regular cases on the day week after vaccination) at the stage when the vesicles are fully-formed and plump, but when there is no perceptible commencement of areola. Open the vesicles with scrupulous care to avoide drawing blood. Take no lymph which, as it issues from the vesicle, is not perfectly clear and transparent, or is at all thin and watery. From such a vesicle as vaccination by puncture commonly produces, do not, under ordinary circumstances, take more lymph than will suffice for the immediate vaccination of five subjects, or for the charging of seven ivory points, or for the filling of three capillary tubes; and from larger or smaller vesicles take only in like proportion to their size. Never squeeze or drain any vesicle. Be careful never to transfer blood from the subject you vaccinate to the subject from whom you take lymph.

8. Scrupulously observe in your inspections every sign which tests the efficiency and purity of your lymph. Note any case wherein the vaccine vesicle is unduly hastened or otherwise irregular in its development, or wherein any undue local irritation arises; and if similar results ensue in other cases vaccinated with the same lymph, desist at once from employing it. Consider that your lymph ought to be changed, if your cases, at the usual time of inspection on the day week after vaccination, have not, as a rule, their vesicles entirely free from areolæ.

9. Keep in good condition the lancets or other instruments which you use for vaccinating, and do not use them for other surgical operations. When you vaccinate, have water and a napkin at your side, with which invariably to cleanse your instrument after one operation before proceeding to another.

(Signed) JOHN SIMON.

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N.B.—Supplies of lymph are furnished to medical practitioners on personal application at 3 Parliament Street, London, S.W. between the hours of 12 and 2; or by letter (unstamped) addressed as follows:—

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